

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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2

SENATE BILL 150
Appropriations Committee Substitute Adopted 3/2/94

Short Title: Crime Control & Budget Act.

(Public)

Sponsors:

Referred to:

February 15, 1994

1 A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIME PREVENTION AND
2 ENHANCED PUNISHMENT INITIATIVES, TO AMEND THE LAW TO ENHANCE
3 CRIME CONTROL, AND TO APPROPRIATE FUNDS FOR CURRENT
4 OPERATIONS AND CAPITAL IMPROVEMENTS TO CARRY OUT THE
5 PURPOSES OF THIS ACT.

6 The General Assembly of North Carolina enacts:

7

8 **PART 1. INTRODUCTION**

9 Section 1. The appropriations made in this act are for maximum amounts
10 necessary to provide the services and accomplish the purposes described in the budget.
11 Savings shall be effected where the total amounts appropriated are not required to
12 perform these services and accomplish these purposes and, except as allowed by the
13 Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the
14 end of each fiscal year.

15 Sec. 2. The appropriations made by the 1994 Extra Session of the General
16 Assembly in this act for capital improvements are for constructing, repairing, or
17 renovating State buildings, utilities, and other capital facilities, for acquiring sites for
18 them where necessary, and for acquiring buildings and land for State government
19 purposes.

20

21 Requested by: Senators Daniel and Plyler

22 **PART 2. TITLE OF ACT**

1 Sec. 3. This act shall be known as the Budget Modification and Crime
2 Control Act of 1994.

3
4 **PART 3. GENERAL FUND APPROPRIATIONS**

5
6 **CURRENT OPERATIONS/GENERAL FUND**

7 Sec. 4. Appropriations from the General Fund of the State for the
8 maintenance of the State departments, institutions, and agencies, for one-time
9 expenditures, and for other purposes as enumerated are made for the biennium ending
10 June 30, 1995, according to the schedule that follows: Current Operations - General
11 Fund 1993-94 1994-95

12
13 General Assembly

14	01. Create the Legislative Commission				
15	on the Causes of Crime (S56) \$ -	\$ 75,000	NR		
16	02. Create the Joint Legislative				
17	Corrections Oversight				
18	Committee (S76) - 25,000NR				
19	03. Create the Legislative Study				
20	Commission on Farm				
21	Camp Programs (S98) 25,000NR	-			
22	04. Create a Legislative Study				
23	on Welfare Reform (S82) <u>20,000</u>	NR	<u>40,000</u>	NR	
24	Total General Assembly	45,000		140,000	

25
26 Judicial Department

27	01. Structured Sentencing Act				
28	effective January 1, 1995-				
29	a. Community Penalties (5 positions)	1,831,375			
30	(Hire 7/1/94 and 10/1/94) 44,622NR				
31	b. Legal and administrative				
32	costs (40 positions)				
33	(Hire 10/1/94) - 1,290,983				
34	864,973	NR			
35	02. Provide access to the Police				
36	Information Network (PIN) to district				
37	attorneys throughout the				
38	State (S85) 30,000NR	-			
39	03. Continue funding of the				
40	Mecklenburg County Drug				
41	Court program when the				
42	Governor's Crime Commission				
43	grant expires March 31, 1995				
44	(S35) - 231,334				

1	04.	Provide one additional			
2		assistant district attorney in			
3		13th Judicial District (Bladen,			
4		Brunswick, Columbus) (S35) -	59,927		
5	05.	Provide one additional special			
6		superior court judge effective			
7		July 1, 1994 (S35) -	<u>115,407</u>		
8					
9	Total Judicial Department		30,000		4,438,621
10					
11	<u>Office of the Governor</u>				
12	Office of State Budget and Management				
13	01.	Development of a statewide			
14		Criminal Justice Information			
15		Network (CJIN) (S33) <u>100,000</u>	<u>930,000</u>		
16	Total Office of the Governor		100,000		930,000
17					
18	<u>Public Education</u>				
19	State Aid to Local School				
20	Administrative Units				
21	01.	Grants to "Support Our			
22		Students" (S.O.S) Pilot Projects			
23		(S18) - 5,000,000			
24	02.	Alternative Schools Grant			
25		Program (S42) -	<u>2,000,000</u>		
26	Total Public Education		-		7,000,000
27					
28	<u>Department of Justice</u>				
29	01.	Implement and evaluate pilot			
30		programs established in the			
31		N.C. Drug Treatment Court			
32		Program Act (S36) -	800,000		
33	02.	Establish five new positions			
34		to be assigned to the Department			
35		of Correction—Attorney I,			
36		Attorney II, (2) Paralegal II, and			
37		Administrative Assistant III			
38		(S139)- 202,628			
39					
40		- <u>22,580</u>	NR		
41	Total Department of Justice		-		1,025,208
42					
43	<u>Department of Human Resources</u>				
44	DHR - Secretary				

1	01.	Family Resource Center			
2		Grant Program - Maximum Grant			
3		\$37,500 and \$180,000			
4		administrative costs (S18)	-	2,055,000	
5	02.	Conduct a comprehensive study of			
6		the Division of Youth Services'			
7		Juvenile Justice System (S24)	-	100,000	NR
8	03.	Governor's Council on Children,			
9		Youth, and Families to develop procedures			
10		to evaluate the Family Resource Center			
11		Grant Program and the Support Our			
12		Students Program (S38)	-	<u>150,000</u>	
13		Subtotal DHR - Secretary		2,305,000	
14					
15		Division of Mental Health, Developmental			
16		Disabilities, and Substance Abuse Services			
17	01.	Expand the Student Services Program			
18		of the N.C. High School Athletic			
19		Association - Coach Mentor			
20		Training (S22)	-	534,000	
21	02.	Structured Sentencing Act			
22		effective January 1, 1995-			
23		To provide substance abuse treatment			
24		services to offenders under the			
25		Treatment Alternatives to Street Crime			
26		(TASC) Program	-	<u>1,000,000</u>	
27		Subtotal - Mental Health		- 1,534,000	
28		Division of Youth Services			
29	01.	Operating funds for one additional			
30		Wilderness Camp - 60 slots (S20)	-	1,450,000	
31	02.	Expand the Governor's One-on-One			
32		Program and increase the funding			
33		for each program (S23)	-	1,150,000	
34	03.	Staff to operate 147 additional			
35		beds in existing training			
36		schools (S26)	-	6,575,768	
37	04.	Establish Alternatives to Detention			
38		Program in selected district court judicial			
39		districts (S142)	125,000	500,000	
40	05.	Outcome-Based Enhancement of the			
41		Community-Based Alternatives			
42		Program (S110)	-	<u>500,000</u>	
43		Subtotal - Youth Services		<u>125,000</u>	<u>10,175,768</u>
44	Total	Department of Human Resources		125,000	14,014,768

1					
2	<u>Department of Correction</u>				
3	01. Structured Sentencing Act				
4	effective January 1, 1995–				
5	a. Adult Probation and Parole				
6	(325 positions)				
7	(Hire 10/1/94 and 5/1/95)	-	5,885,026		
8				924,610	NR
9	b. Administrative Costs for Adult				
10	Probation and Parole - (9 positions)				
11	(Hire 10/1/94 and 2/1/95)		299,631		
12				9,000	NR
13	c. Administrative Costs for Central				
14	Administration Office - (18 positions)				
15	(Hire 10/1/94 and 2/1/95)		892,000		
16				18,000	NR
17	02. Operating costs for 208 additional				
18	beds at Piedmont, Lumberton,				
19	Pender, Wayne, and Brown Creek				
20	for a total of 1040 additional				
21	beds (S12)	-	13,466,330		
22				2,033,670	NR
23	03. To lease jail space from				
24	local governments (S13)	-	8,358,000		
25	04. To provide for out-of-state				
26	housing of inmates (S14)	-	24,972,000		
27	05. To contract for 500 beds in				
28	private alcohol and drug				
29	treatment centers (S15) -		5,156,740		
30	16,260				NR
31	06. Use existing space more				
32	efficiently in order to house				
33	500 additional inmates (S16)	-	1,639,500		
34	07. Operating costs for a new Drug				
35	and Alcohol Recovery Treatment				
36	(DART) Center (S37)	-	1,007,436		
37	-		192,564		NR
38	08. Establish a Substance Abuse				
39	Program in each of five prisons				
40	located near urban areas				
41	throughout the State (S128)	-	1,225,345		
42	320,000				NR
43	09. Reserve for the operation of				
44	a new 90-bed boot camp facility				

1	for youthful offenders (S21)	-	1,124,373	
2	392,293	NR		
3	10. Provide a post-boot camp program			
4	for up to 180 probationers (S21)	-	452,619	
5	11. Additional operating funds			
6	to bring on line the new			
7	facilities constructed with	-	18,991,090	
8	\$87.5 million prison bonds	-	8,235,572	NR
9	12. Operating costs for new			
10	facilities coming on line-			
11	Eastern Processing Center,			
12	Marion Close Custody Addition, and			
13	consolidation of five units	-	546,720	
14	-	125,932	NR	
15	13. Establish pilot programs for			
16	treatment of parolees and			
17	probationers with substance			
18	abuse problems (S53)	50,000	533,000	
19	14. Greater After Prison Support			
20	Program - a community-based			
21	pre-release and aftercare program			
22	for prison inmates (S116)	-	85,000	
23	15. Establish one probation officer			
24	position to work with Mecklenburg			
25	County Drug Court Program effective			
26	April 1, 1995 (S35)	-	8,750	
27	Total Department of Correction		50,000	96,911,461
28				
29	<u>Department of Crime Control and Public Safety</u>			
30	01. Structured Sentencing Act			
31	effective January 1, 1995-			
32	Community Services (19 positions)	-	532,000	
33	38,000	NR		
34	02. Victims Assistance			
35	Network (S31)	-	150,000	
36	03. Additional Funds to the Crime	-	800,000	
37	Victims Compensation Fund (S58)		3,000,000	NR
38	Total Department of Crime Control			
39	and Public Safety		-	4,520,000
40				
41	GRAND TOTAL CURRENT OPERATIONS -			
42	GENERAL FUND - RECURRING		275,000	112,501,982
43	NONRECURRING		75,000	16,478,076
44	TOTAL	\$ 350,000	\$128,980,058	

1

2 **PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND**

3 Sec. 5. Appropriations are made from the General Fund for the 1993-94 and
 4 1994-95 fiscal years for use by the State departments, institutions, and agencies to
 5 provide for capital improvement projects according to the following schedule:

6	Capital Improvements - General Fund	1993-94	1994-95
7			
8	<u>Department of Administration</u>		
9	01. Construct 208 additional beds		
10	at Piedmont, Lumberton,		
11	Pender, Wayne, and Brown		
12	Creek for a total of 1040		
13	additional prison beds (S12)	\$ 21,483,914	\$ -
14	02. Construct Eastern Processing		
15	Center. Due to subsurface soil		
16	conditions and wetlands that were		
17	unknown at time of original project cost		
18	estimate, may need up to \$3.0 million		
19	more to complete site development for		
20	this unit - 21,006,000		
21	03. Construct an addition at		
22	Marion Close Custody Unit - 5,358,900		
23	04. Consolidation of five prison		
24	units (GPAC Recommendations) - 10,260,500		
25	05. Construction costs of a new		
26	Drug and Alcohol Recovery		
27	Treatment (DART) Center 1,425,000 -		
28	06. To construct new 90-bed boot		
29	camp facility for youthful		
30	offenders (S21) <u>1,100,000</u> -		
31	Total Department of Administration	24,008,914	36,625,400
32			
33	<u>Department of Human Resources</u>		
34	01. To support construction of		
35	one additional Wilderness		
36	Camp (S20) 375,000 -		
37	02. To construct one 24-bed		
38	Detention Center <u>1,600,000</u> -		
39	Total Department of Human Resources	1,975,000	-
40			
41	GRAND TOTAL CAPITAL IMPROVEMENTS -		
42	GENERAL FUND	\$ 25,983,914	\$36,625,400
43			

44 **PART 5. PROCEDURES FOR DISBURSEMENTS**

1 Sec. 6. The appropriations made by the 1994 Extra Session of the General
2 Assembly for capital improvements shall be disbursed for the purposes provided by this
3 act. Expenditure of funds shall not be made by any State department, institution, or
4 agency, until an allotment has been approved by the Governor as Director of the
5 Budget. The allotment shall be approved only after full compliance with the Executive
6 Budget Act, Article 1 of Chapter 143 of the General Statutes. Prior to the award of
7 construction contracts for projects to be financed in whole or in part with self-
8 liquidating appropriations, the Director of the Budget shall approve the elements of the
9 method of financing of those projects including the source of funds, interest rate, and
10 liquidation period. Provided, however, that if the Director of the Budget approves the
11 method of financing a project, the Director shall report that action to the Joint
12 Legislative Commission on Governmental Operations at its next meeting.

13 Where direct capital improvement appropriations include the purpose of
14 furnishing fixed and movable equipment for any project, those funds for equipment
15 shall not be subject to transfer into construction accounts except as authorized by the
16 Director of the Budget. The expenditure of funds for fixed and movable equipment and
17 furnishings shall be reviewed and approved by the Director of the Budget prior to
18 commitment of funds.

19 Capital improvement projects authorized by the 1994 Extra Session of the
20 General Assembly shall be completed, including fixed and movable equipment and
21 furnishings, within the limits of the amounts of the direct or self-liquidating
22 appropriations provided, except as otherwise provided in this act.
23

24 **PART 6. GENERAL PROVISIONS**

25
26 Requested by: Senators Daniel and Plyler

27 **SPECIAL FUNDS, FEDERAL FUNDS, AND DEPARTMENTAL** 28 **RECEIPTS/AUTHORIZATION FOR EXPENDITURES**

29 Sec. 7. There is appropriated out of the cash balances, federal receipts, and
30 departmental receipts available to each department, sufficient amounts to carry on
31 authorized activities included under each department's operations. All these cash
32 balances, federal receipts, and departmental receipts shall be expended and reported in
33 accordance with provisions of the Executive Budget Act, except as otherwise provided
34 by statute, and shall be expended at the level of service authorized by the General
35 Assembly. If the receipts, other than gifts and grants that are unanticipated and are for a
36 specific purpose only, collected in a fiscal year by an institution, department, or agency
37 exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, then
38 the Director of the Budget shall decrease the amount he allots to that institution,
39 department, or agency from appropriations from that Fund by the amount of the excess,
40 unless the Director of the Budget finds that the appropriations from the Fund are
41 necessary to maintain the function that generated the receipts at the level anticipated in
42 the certified Budget Codes for that Fund. Funds that become available from
43 overrealized receipts in General Fund Codes and Highway Fund Codes, other than gifts
44 and grants that are unanticipated and are for a specific purpose only, shall not be used

1 for new permanent employee positions or to raise the salary of existing employees
2 except:

3 (1) As provided in G.S. 116-30.1, 116-30.2, 116-30.3, 116-30.4, or 143-
4 27; or

5 (2) If the Director of the Budget finds that the new permanent employee
6 positions are necessary to maintain the function that generated the
7 receipts at the level anticipated in the certified budget codes for that
8 Fund. The Director of the Budget shall notify the President Pro
9 Tempore of the Senate, the Speaker of the House of Representatives,
10 the chairmen of the appropriations committees of the Senate and the
11 House of Representatives, and the Fiscal Research Division of the
12 Legislative Services Office that he intends to make such a finding at
13 least 10 days before he makes the finding. The notification shall set
14 out the reason the positions are necessary to maintain the function.

15 The Office of State Budget and Management shall report to the Joint Legislative
16 Commission on Governmental Operations and to the Fiscal Research Division of the
17 Legislative Services Office within 30 days after the end of each quarter the General
18 Fund Codes or Highway Fund Codes that did not result in a corresponding reduced
19 allotment from appropriations from that Fund.

20 The Director of the Budget shall develop necessary budget controls,
21 regulations, and systems to ensure that these funds and other State funds subject to the
22 Executive Budget Act, are not spent in a manner which would cause a deficit in
23 expenditures.

24 Pursuant to G.S. 143-34.2, State departments, agencies, institutions, boards,
25 or commissions may make application for, receive, or disburse any form of non-State
26 aid. All non-State monies received shall be deposited with the State Treasurer unless
27 otherwise provided by State law. These funds shall be expended in accordance with the
28 terms and conditions of the fund award that are not contrary to the laws of North
29 Carolina.

30
31 Requested by: Senators Daniel and Plyler

32 **BUDGETING OF PILOT PROGRAMS**

33 Sec. 8. (a) Any program designated by the General Assembly as experimental,
34 model, or pilot shall be shown as a separate budget item and shall be considered as an
35 expansion item until a succeeding General Assembly reapproves it.

36 Any new program funded in whole or in part through a special appropriations
37 bill shall be designated as an experimental, model, or pilot program.

38 (b) The Governor shall submit to the General Assembly with his proposed budget
39 a report of which items in the proposed budget are subject to the provisions of this
40 section.

41
42 Requested by: Senators Daniel and Plyler

43 **AUTHORIZED TRANSFERS**

1 Sec. 9. The Director of the Budget may transfer to General Fund budget
 2 codes from the General Fund salary adjustment appropriation amounts required to
 3 support approved salary adjustments made necessary by difficulties in recruiting and
 4 holding qualified employees in State government. The funds may be transferred only
 5 when the use of salary reserve funds in individual operating budgets is not feasible.

6
 7 Requested by: Senators Daniel and Plyler

8 **EXPENDITURES OF FUNDS IN RESERVES LIMITED**

9 Sec. 10. All funds appropriated by this act into reserves may be expended
 10 only for the purposes for which the reserves were established.

11
 12 Requested by: Senators Daniel and Plyler

13 **STATE MONEY RECIPIENTS/CONFLICT OF INTEREST POLICY**

14 Sec. 11. Each private, nonprofit entity eligible to receive State funds, either
 15 by General Assembly appropriation, or by grant, loan, or other allocation from a State
 16 agency, before funds may be disbursed to the entity, shall file with the disbursing
 17 agency a notarized copy of that entity's policy addressing conflicts of interest that may
 18 arise involving the entity's management employees and the members of its board of
 19 directors or other governing body. The policy shall address situations where any of
 20 these individuals may directly or indirectly benefit, except as the entity's employees or
 21 members of the board or other governing body, from the entity's disbursing of State
 22 funds, and shall include actions to be taken by the entity or the individual, or both, to
 23 avoid conflicts of interest and the appearance of impropriety.

24
 25 Requested by: Senators Daniel and Plyler

26 **BUDGET REFORM STATEMENTS**

27 Sec. 12. (a) The General Fund availability used in developing the budget
 28 enacted in this Act, is shown below:

	1993-94	1994-95	Non-	Non-
	Recurring	Recurring	Recurring	Recurring
31 AVAILABILITY				
32 Unappropriated Balance from				
33 1993 Session	\$4.7	\$209.6	\$380.5	
34				
35 Revenue Forecast Increase	156.0	160.0	-	
36 Anticipated Reversions	184.4	-	-	
37				
38 TOTAL AVAILABILITY	\$345.1	369.6	380.5	

39
 40 (b) The Unappropriated Balance from the 1993 Session stated in subsection
 41 (a) of this section is included in Total Availability as stated in Section 8(b) of Chapter
 42 561 of the 1993 Session Laws.

1 (c) The revenue forecast increase and anticipated reversions shown in
2 subsection (a) of this section are in addition to Total Availability stated in Section 8(b)
3 of Chapter 561 of the 1993 Session Laws.

4
5 **PART 7. OFFICE OF STATE BUDGET AND MANAGEMENT**

6
7 Requested by: Senators Odom, Cooper, Ballance, Cochrane, and Sherron

8 **CRIMINAL JUSTICE INFORMATION NETWORK**

9 Sec. 13. (a) Of the funds appropriated in this act from the General Fund to the
10 Office of State Budget and Management the sum of one hundred thousand dollars
11 (\$100,000) for the 1993-94 fiscal year and the sum of nine hundred thirty thousand
12 dollars (\$930,000) for the 1994-95 fiscal year shall be used for the development of a
13 Criminal Justice Information Network that links together data in existing databases and
14 networks. These funds shall be used only for the purposes set forth below:

- 15 (1) Assess the functionality of information currently used by the General
16 Court of Justice, State and local law enforcement agencies, correction
17 agencies, and State departments or agencies related to the criminal
18 justice system and the juvenile justice system, and evaluate the need
19 for systems integration or system enhancements, in particular the need
20 for a comprehensive DWI database;
- 21 (2) Determine the technical feasibility of incorporating all or portions of
22 currently existing information systems and all or portions of new
23 information systems into a comprehensive statewide Criminal Justice
24 Information Network (CJIN);
- 25 (3) Evaluate feasible CJIN designs at no fewer than three alternative levels
26 of costs (both capital and future operating), and to clearly describe the
27 benefits and costs associated with each level;
- 28 (4) Estimate a development and implementation schedule for each level of
29 costs, showing milestones to be achieved during each phase of the
30 schedule, costs to be incurred during each phase, and any benefits and
31 savings expected at intermediate stages of CJIN development and
32 implementation;
- 33 (5) Evaluate alternative structures for CJIN management, including
34 accountability for CJIN operations, criteria for membership or
35 participation, procedures to prevent inappropriate or illegal access, and
36 steps to assure data quality and accuracy;
- 37 (6) Recommend measures for savings, efficiency, and effectiveness that
38 will enable the General Assembly to gauge CJIN performance;
- 39 (7) Assure that the integrated CJIN shall be consistent and compatible
40 with a comprehensive telecommunications plan as approved by the
41 Information Resource Management Commission; and
- 42 (8) Plan a statewide integrated law enforcement communications system
43 and study the costs of making that system available to local
44 governments.

1 (b) There is created within the Office of State Budget and Management a
2 Criminal Justice Information Network study committee to conduct the analysis and
3 study required under this section. The study committee shall be appointed by the
4 Governor in consultation with the Lieutenant Governor, the Attorney General, and the
5 Chief Justice of the North Carolina Supreme Court and shall include an appointee
6 recommended by the Mecklenburg Criminal Justice Commission. The Governor shall
7 appoint no more than nine members to the study committee, and shall make the
8 appointments based upon the appointees' knowledge, expertise, and responsibility
9 within the criminal justice system, the juvenile justice system, and related areas. All
10 State and local government agencies shall cooperate fully with the study committee.
11 The study committee shall provide a monthly report on its progress (i) to the Chairs of
12 the Senate and House Appropriations Committees, (ii) to the Chairs of the Senate and
13 House Justice and Public Safety Appropriations Subcommittees, and (iii) to the
14 Information Resources Management Commission established by G.S. 143B-426.21 at
15 the regularly scheduled meetings of the Commission. The study committee shall report
16 its final findings and recommendations to the General Assembly on or before February
17 1, 1995, and shall make an interim report by November 1, 1994.

18 19 **PART 8. DEPARTMENT OF CORRECTION**

20
21 Requested by: Senators Odom and Cooper

22 **LEASE JAIL SPACE**

23 Sec. 14. (a) Funds appropriated in this act to the Department of Correction for
24 leasing jail space from local governments to house inmates committed to the
25 Department's custody shall be used for this purpose only and shall not be transferred.

26 (b) This section becomes effective July 1, 1994.

27
28 Requested by: Senators Odom and Cooper

29 **OUT-OF-STATE HOUSING OF INMATES**

30 Sec. 15. (a) G.S. 148-37 reads as rewritten:

31 **"§ 148-37. Additional facilities authorized; contractual arrangements.**

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

42 (b) The Secretary of Correction may contract with the proper official of the
43 United States States, or of any county or city of this State State, or of any entity
44 described in subsection (c) of this section, for the confinement of federal prisoners after

1 they have been sentenced, county, or city prisoners in facilities of the State prison
 2 system or for the confinement of State prisoners in any county or any city facility
 3 located in North Carolina, ~~Carolina~~ or any out-of-state facility, or any facility of the
 4 United States Bureau of Prisons, when to do so would most economically and
 5 effectively promote the purposes served by the Department of Correction. Any contract
 6 made under the authority of this section shall be for a period of not more than two years,
 7 and shall be renewable from time to time for a period not to exceed two years.
 8 Contracts for receiving federal, county and city prisoners shall provide for reimbursing
 9 the State in full for all costs involved. The financial provisions shall have the approval
 10 of the Department of Administration before the contract is executed. Payments received
 11 under such contracts shall be deposited in the State treasury for the use of the State
 12 Department of Correction. Such payments are hereby appropriated to the State
 13 Department of Correction as a supplementary fund to compensate for the additional care
 14 and maintenance of such prisoners as are received under such contracts.

15 (c) Subject to the provisions of subsection (b) of this section, the Secretary of
 16 Correction may contract to house offenders in out-of-state correctional facilities with
 17 public or private contractors in the business of providing correctional services. Any
 18 contracts previously entered into by the Department of Correction for the out-of-state
 19 housing of inmates are hereby ratified."

20 (b) The Secretary of Correction shall report semiannually to the Joint
 21 Legislative Commission on Governmental Operations on out-of-state housing of prison
 22 inmates.

23 (c) This section is effective upon ratification and expires on June 30, 1996.

24
 25 Requested by: Senators Cooper and Odom

26 **PRIVATE PRISON CONTRACTS/SUBSTANCE ABUSE SERVICES**

27 Sec. 16. (a) Chapter 148 of the General Statutes is amended by adding a new
 28 Article to read:

29 **"ARTICLE 13.**

30 **"PRIVATE PRISON CONTRACTS.**

31 **"§ 148-122. Authority to contract.**

32 Notwithstanding any other provision of law, the Secretary of Correction may
 33 contract with private, for-profit or nonprofit corporations or firms to provide and
 34 operate treatment centers that house, care for, and maintain prisoners committed to the
 35 custody of the Department of Correction who are diagnosed as needing treatment for
 36 alcohol or drug abuse.

37 **"§ 148-123. Prison rules applicable.**

38 Prisoners housed in privately operated facilities pursuant to this Article shall remain
 39 subject to the rules adopted for the conduct of persons committed to the State prison
 40 system. The rules regarding good time and gain time, discipline, classification,
 41 extension of the limits of confinement, transfers, housing arrangements, and eligibility
 42 for parole shall apply to inmates housed in those private prison facilities. Private
 43 contractors may promulgate any other rules as may be necessary for the operation of the
 44 facilities with the written approval of the Secretary of Correction.

1 **"§ 148-124. Enforcement of rules at private treatment centers.**

2 Custodial officials employed by a private firm pursuant to this Article are agents of
3 the Secretary of Correction and may use authorized force procedures to defend
4 themselves, to enforce the observance of discipline in compliance with prison rules, to
5 secure the person of an offender, and to prevent escape.

6 **"§ 148-125. Inmate work requirement.**

7 Inmates housed in private facilities pursuant to this Article may be required to
8 perform reasonable work assignments within those facilities. The facility may award
9 gain time to those prisoners that are eligible for gain time within the applicable statutes
10 and rules."

11 (b) G.S. 148-4 reads as rewritten:

12 **"§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of**
13 **confinement.**

14 (a) The Secretary of Correction shall have control and custody of all prisoners
15 serving sentence in the State prison ~~system,~~ system and in privately operated facilities,
16 and such prisoners shall be subject to all the rules and regulations legally adopted for
17 the government thereof. Any sentence to imprisonment in any unit of the State prison
18 system, or to jail to be assigned to work under the State Department of Correction, shall
19 be construed as a commitment, for such terms of imprisonment as the court may direct,
20 to the custody of the Secretary of Correction or his authorized representative, who shall
21 designate the places of confinement ~~within the State prison system~~ where the sentences
22 of all such persons shall be served. The authorized agents of the Secretary shall have all
23 the authority of peace officers for the purpose of transferring prisoners from place to
24 place in the State as their duties might require and for apprehending, arresting, and
25 returning to prison escaped prisoners, and may be commissioned by the Governor,
26 either generally or specially, as special officers for returning escaped prisoners or other
27 fugitives from justice from outside the State, when such persons have been extradited or
28 voluntarily surrendered. Employees of departments, institutions, agencies, and political
29 subdivisions of the State hiring prisoners to perform work outside prison confines may
30 be designated as the authorized agents of the Secretary of Correction for the purpose of
31 maintaining control and custody of prisoners who may be placed under the supervision
32 and control of such employees, including guarding and transferring such prisoners from
33 place to place in the State as their duties might require, and apprehending and arresting
34 escaped prisoners and returning them to prison. The governing authorities of the State
35 prison system are authorized to determine by rules and regulations the manner of
36 designating these agents and placing prisoners under their supervision and control,
37 which rules and regulations shall be established in the same manner as other rules and
38 regulations for the government of the State prison system.

39 The Secretary of Correction may extend the limits of the place of confinement of a
40 prisoner, as to whom there is reasonable cause to believe he will honor his trust, by
41 authorizing him, under prescribed conditions, to leave the confines of that place
42 unaccompanied by a custodial agent for a prescribed period of time to

43 (1) Contact prospective employers; or

- 1 (2) Secure a suitable residence for use when released on parole or upon
2 discharge; or
- 3 (3) Obtain medical services not otherwise available; or
- 4 (4) Participate in a training program in the community; or
- 5 (5) Visit or attend the funeral of a spouse, child (including stepchild,
6 adopted child or child as to whom the prisoner, though not a natural
7 parent, has acted in the place of a parent), parent (including a person
8 though not a natural parent, has acted in the place of a parent), brother,
9 or sister; or
- 10 (6) Participate in community-based programs of rehabilitation, including,
11 but not limited to the existing community volunteer and home-leave
12 programs, pre-release and after-care programs as may be provided for
13 and administered by the Secretary of Correction and other programs
14 determined by the Secretary of Correction to be consistent with the
15 prisoner's rehabilitation and return to society; or
- 16 (7) Be on maternity leave, for a period of time not to exceed 60 days. The
17 county departments of social services are expected to cooperate with
18 officials at the North Carolina Correctional Center for Women to
19 coordinate prenatal care, financial services, and placement of the child.

20 The willful failure of a prisoner to remain within the extended limits of his confinement,
21 or to return within the time prescribed to the place of confinement designated by the
22 Secretary of Correction, shall be deemed an escape from the custody of the Secretary of
23 Correction punishable as provided in G.S. 148-45.

24 (b) Notwithstanding any other provision of law, the Secretary of Correction may
25 contract with private corporations and entities for the housing, care, and maintenance of
26 prisoners committed to the custody of the Department of Correction who are diagnosed
27 as needing treatment for alcohol or drug abuse."

28 (c) G.S 148-45 is amended by adding a new subsection to read:

29 "(h) For purposes of this section, persons housed in privately operated facilities
30 pursuant to Article 13 of this Chapter shall be considered persons in the custody of the
31 Department of Correction."

32 (d) G.S. 14-258.1 reads as rewritten:

33 **"§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges,**
34 **ammunition or alcoholic beverages to inmates of charitable, mental or**
35 **penal institutions or local confinement facilities.**

36 (a) If any person shall give or sell to any inmate of any charitable, mental or
37 penal institution, or local confinement facility, or if any person shall combine,
38 confederate, conspire, aid, abet, solicit, urge, investigate, counsel, advise, encourage,
39 attempt to procure, or procure another or others to give or sell to any inmate of any
40 charitable, mental or penal institution, or local confinement facility, any deadly weapon,
41 or any cartridge or ammunition for firearms of any kind, or any controlled substances
42 included in Schedules I through VI contained in Article 5 of Chapter 90 of the General
43 Statutes except under the general supervision of a practitioner, poison or poisonous
44 substance, except upon the prescription of a physician, he shall be punished as a Class H

1 felon; and if he be an officer or employee of any institution of the State, or of any local
2 confinement facility, he shall be dismissed from his position or office.

3 (b) Any person who shall knowingly give or sell any alcoholic beverages to any
4 inmate of any ~~State~~ mental or penal institution, or to any inmate of any local
5 confinement facility, except for medical purposes as prescribed by a duly licensed
6 physician and except for an ordained minister or rabbi who gives sacramental wine to an
7 inmate as part of a religious service; or any person who shall combine, confederate,
8 conspire, procure, or procure another or others to give or sell any alcoholic beverages to
9 any inmate of any such ~~State~~ institution or local confinement facility, except for medical
10 purposes as prescribed by a duly licensed physician and except for an ordained minister
11 or rabbi who gives sacramental wine to an inmate as part of a religious service; or any
12 person who shall bring into the buildings, grounds or other facilities of such institution
13 any alcoholic beverages, except for medical purposes as prescribed by a duly licensed
14 physician or sacramental wine brought by an ordained minister or rabbi for use as part
15 of a religious service, shall be guilty of a misdemeanor, and on conviction thereof shall
16 be fined or imprisoned, in the discretion of the court. If such person is an officer or
17 employee of any institution of the State, such person shall be dismissed from office.

18 (c) The term 'penal institution' as used in this section includes private facilities
19 operated in accordance with Article 13 of Chapter 148 of the General Statutes."

20 (e) G.S. 14-258.3 reads as rewritten:

21 "**§ 14-258.3. Taking of hostage, etc., by prisoner.**

22 (a) Any prisoner in the custody of the Department of Correction, including
23 persons in the custody of the Department of Correction pending trial or appellate review
24 or for presentence diagnostic evaluation, or any prisoner in the custody of any local
25 confinement facility (as defined in G.S. 153A-217), or any person in the custody of any
26 local confinement facility (as defined in G.S. 153A-217) pending trial or appellate
27 review or for any lawful purpose, who by threats, coercion, intimidation or physical
28 force takes, holds, or carries away any person, as hostage or otherwise, shall be
29 punished as a Class I felon. The provisions of this section apply to: (i) violations
30 committed by any prisoner in the custody of the Department of Correction, whether
31 inside or outside of the facilities of the North Carolina Department of Correction; (ii)
32 violations committed by any prisoner or by any other person lawfully under the custody
33 of any local confinement facility (as defined in G.S. 153A-217), whether inside or
34 outside the local confinement facilities (as defined in G.S. 153A-217).

35 (b) For purposes of this section, prisoners housed in privately operated facilities
36 pursuant to Article 13 of Chapter 148 of the General Statutes shall be considered
37 persons in the custody of the Department of Correction."

38
39 Requested by: Senators Perdue and Martin of Guilford

40 **BOOT CAMP FUNDS**

41 Sec. 17. (a) Of the funds appropriated in this act from the General Fund to the
42 Department of Correction the sum of one million five hundred sixteen thousand six
43 hundred sixty-six dollars (\$1,516,666) for the 1994-95 fiscal year shall be placed in a
44 reserve for the operation of a new boot camp for youthful offenders to be brought on

1 line in the 1994-95 fiscal year under the construction program provided for in this act.
2 The boot camp shall operate according to the guidelines set forth for the Intensive
3 Motivational Program of Alternative Correctional Treatment (IMPACT) in Chapter
4 1010 of the 1989 Session Laws.

5 (b) Of the funds appropriated in this act from the General Fund to the
6 Department of Correction the sum of four hundred fifty-two thousand six hundred
7 nineteen dollars (\$452,619) for the 1994-95 fiscal year shall be used to provide a post-
8 boot camp program for probationers who are likely to benefit from such a program in
9 order to assist them to become productive citizens and to remain free from criminal
10 activity. The Department shall select up to 180 probationers to participate in the
11 program, which shall include intensive probation supervision, substance abuse treatment
12 and counseling, family contact, involvement, and counseling, consultation with
13 appropriate personnel in the Department of Human Resources in establishing
14 participation by probationers in appropriate community-based services, and other
15 appropriate intervention.

16 (c) The Department of Correction shall evaluate the IMPACT program and
17 the post-Boot Camp probation program funded under this section and report to the Joint
18 Legislative Commission on Governmental Operations, the Joint Legislative Corrections
19 Oversight Committee, and the Fiscal Research Division prior to January 1, 1995, and
20 annually thereafter. The evaluation of the IMPACT program shall compare that
21 program's effectiveness, cost, and recidivism rate to other corrections programs for
22 offenders aged 16-25. The evaluation of the post-Boot Camp probation program shall
23 compare that program's effectiveness, cost, and recidivism rate to other probation
24 programs for offenders aged 16-25.

25
26 Requested by: Senators Daniel and Plyler

27 **EXPAND PRISON SUBSTANCE ABUSE PROGRAMS**

28 Sec. 18. Of the funds appropriated in this act from the General Fund to the
29 Department of Correction the sum of one million five hundred forty-five thousand three
30 hundred forty-five dollars (\$1,545,345) for the 1994-95 fiscal year shall be used to
31 establish a substance abuse program in five or more prisons located near urban areas
32 throughout the State. Each program shall be established in accordance with Article 6 of
33 Chapter 143B of the General Statutes. The funds shall be allocated such that each
34 prison shall provide substance abuse services to no more than 100 inmates.

35
36 Requested by: Senators Shaw, Ballance, and Soles

37 **WORK CAMP PILOT PROGRAM**

38 Sec. 19. (a) The Department of Correction shall develop plans for a pilot
39 program in which the Department enters a partnership with a county or coalition of
40 counties for the operation of a 340-bed work camp located at a site to be agreed upon by
41 the Department of Correction and the county or coalition of counties. The county or
42 coalition of counties shall agree to operate the work camp in exchange for authorization
43 to use the minimum security inmates housed at the camp for work at public facilities

1 and for any other suitable productive labor at sites within the county or coalition of
2 counties entering the agreement.

3 The plan shall provide for making space available in the work camp in such a
4 manner that judges passing sentence in the General Court of Justice within the county or
5 counties participating in the pilot program may assign defendants to the prison work
6 camp.

7 (b) The Department of Correction shall report on the plan developed pursuant
8 to this section to the Joint Legislative Commission on Governmental Operations by June
9 1, 1994.

10
11 Requested by: Senators Martin of Guilford, Odom, and Cooper

12 **SUBSTANCE ABUSE TREATMENT PILOT PROGRAM FOR PAROLEES**
13 **AND PROBATIONERS**

14 Sec. 20. (a) Chapter 148 of the General Statutes is amended by adding a new
15 Article to the end to read:

16 **"ARTICLE 13.**

17 **"PILOT PROGRAMS FOR TREATMENT OF PAROLEES AND**
18 **PROBATIONERS WITH**
19 **HISTORIES OF SERIOUS SUBSTANCE ABUSE.**

20 **"§ 148-130. Pilot programs' purpose.**

21 The purpose of the pilot programs established pursuant to this Article is to provide
22 for the identification, appropriate assessment, and intensive out-patient treatment of
23 high-risk parolees and probationers with substance abuse problems. These programs
24 should give emphasis to serving parolees and probationers with serious substance abuse
25 histories, with first priority given to parolees. The programs should provide intensive
26 treatment, which treatment should be used by the courts as a condition of probation and
27 parole when appropriate. This treatment should start immediately upon the beginning
28 of the probation term or parole discharge.

29 **"§ 148-131. Interagency Task Force; administration of pilot programs;**
30 **membership; staffing.**

31 The Department of Correction, after consultation with the Department of Human
32 Resources, shall convene an Interagency Task Force to design, coordinate, plan,
33 implement, and evaluate the pilot programs established pursuant to this Article. The
34 Interagency Task Force shall consist of staff from the Department of Correction
35 Substance Abuse Program, the Department of Correction Adult Probation and Parole
36 Program, the Department of Human Resources' Substance Abuse Services, the Parole
37 Commission, to be renamed the Post-Release Supervision and Parole Commission as of
38 the effective date of the Structured Sentencing Act, Chapters 538 and 539 of the 1993
39 Session Laws, and any other State or local programs the Department of Correction
40 considers necessary. The Task Force shall also include two representatives of business
41 and industry who have an interest in job placement for ex-offender recovering substance
42 abusers, two ex-offender recovering substance abusers, and representatives of any other
43 organizations the Department of Correction considers necessary.

1 The Department of Correction shall provide the staffing for the Interagency Task
2 Force.

3 **"§ 148-132. Interagency Task Force; Request for Proposal planning and**
4 **development process; identification of funding sources, barriers to**
5 **treatment, and lack of treatment capacity.**

6 (a) The Interagency Task Force shall prepare a process for the development of a
7 Request for Proposal process that will result in the funding of a pilot program for high-
8 risk parolees and probationers with substance abuse problems. As part of the Request
9 for Proposal planning and development process, the Interagency Task Force shall
10 clearly identify the target population to be served, the method of selecting the target
11 population, the appropriate diagnostic instruments for this selection, and the appropriate
12 components and evaluation instruments.

13 (b) The Interagency Task Force shall identify the extent to which current federal
14 and State funding and resources may be used to treat parolees and probationers with
15 substance abuse problems and the extent to which other federal funds can be obtained
16 for this purpose. The Interagency Task Force shall also identify current barriers to
17 effective utilization of existing treatment programs and shall highlight the lack of
18 treatment capacity.

19 **"§ 148-133. Interagency Task Force; Request for Proposal evaluation criteria,**
20 **treatment component requirements.**

21 (a) In its evaluation of the responses to the Request for Proposal process, the
22 Interagency Task Force shall consider:

23 (1) The proposed provider's ability to use existing substance abuse
24 treatment resources and other resources such as education, job training,
25 and placement, in order to build a collaborative approach to the
26 delivery of services to the target population;

27 (2) The proposed provider's ability to develop a plan for how services are
28 to be provided if the resources described in subdivision (1) of this
29 section are not currently available;

30 (3) The proposed provider's identification of local area mental health
31 groups, State-Local Community Partnership participants, and nonprofit
32 organizations as advisors or service providers; and

33 (4) The proposed provider's ability to provide treatment and case
34 management services for up to 60 clients.

35 (b) The Interagency Task Force shall require that the following treatment
36 components are included in all responses to the Request for Proposal process, together
37 with a detailed proposal on how the components will be provided, in order to be
38 considered:

39 (1) Regular drug testing;

40 (2) Regular counseling and self-development treatments;

41 (3) Monitoring by case managers;

42 (4) Establishment of criteria for successful program completion; and

1 (5) Establishment of local advisory boards made up of individuals similar
2 to those making up the Interagency Task Force, with the addition of a
3 superior court judge.

4 **"§ 148-134. Interagency Task Force; pilot program selection; reporting.**

5 (a) The Interagency Task Force shall select one pilot program no later than six
6 months after the effective date of this act.

7 (b) The Department of Correction shall report by March 1, 1995, to the General
8 Assembly on the planning, development, and implementation of the pilot programs, and
9 to the Mental Health Study Commission by November 1, 1995, on the costs and benefits
10 of the pilot programs."

11 (b) Of the funds appropriated from the General Fund to the Department of
12 Correction for the pilot program established under this section, not less than eighty
13 percent (80%) of these funds shall be used to fund the pilot programs. The balance of
14 the funds shall be used to administer the Interagency Task Force and its activities, hire
15 necessary personnel, and use consulting services when necessary. Funds not expended
16 by the end of each fiscal year shall not revert but shall remain available for use in
17 subsequent fiscal years.

18 (c) This section becomes effective April 1, 1994.

19
20 Requested by: Senators Kerr, Odom, and Cooper

21 **PROBATION/PAROLE DIVERSION STUDY**

22 Sec. 21. The Department of Correction, Division of Adult Probation and
23 Parole, shall study the feasibility of diverting probation and parole violators into
24 residential community corrections centers similar to those currently being operated in
25 other states. The study shall examine the possibility of housing probation and parole
26 violators, who currently constitute approximately fifty-three percent (53%) of prison
27 admissions in this State, in separate facilities operated as work camps, substance abuse
28 treatment centers, or any other type of facilities designed to address the special
29 problems of probation and parole violators. The Department of Correction, Division of
30 Adult Probation and Parole, shall report its findings and recommendations to the 1994
31 Regular Session of the 1993 General Assembly.

32
33 Requested by: Senators Hoyle, Odom, Cooper

34 **GREATER AFTER PRISON SUPPORT PROGRAM**

35 Sec. 22. (a) With respect to funds appropriated in this act to the Department
36 of Correction, Division of Prisons, the Greater After Prison Support Program shall
37 report quarterly to the Joint Legislative Commission on Governmental Operations on
38 the expenditure of State appropriations and on the effectiveness of the program,
39 including information on the number of clients served, the number of clients who
40 complete the prerelease component of the program, and the number of clients who
41 participate in the postrelease component of the program.

42 (b) The Department of Correction shall track the Greater After Prison Support
43 program with an evaluation model consistent with existing models that show the impact
44 of the program on participants regarding postrelease parole violations, rearrests, and

1 recidivism rates. The Department shall provide a written evaluation of the program to
2 the Chairs of the House and Senate Appropriations Committees and the Chairs of the
3 House and Senate Subcommittees on Justice and Public Safety, the Joint Legislative
4 Commission on Governmental Operations, and the Fiscal Research Division by May 1,
5 1995.

6 (c) This section becomes effective July 1, 1994.

8 **PART 9. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

10 Requested by: Senators Cooper and Odom

11 **VICTIMS ASSISTANCE NETWORK**

12 Sec. 23. (a) Of the funds appropriated in this act from the General Fund to the
13 Department of Crime Control and Public Safety the sum of one hundred fifty thousand
14 dollars (\$150,000) for the 1994-95 fiscal year shall be used to support the Victims
15 Assistance Network. These funds shall be used by the Victims Assistance Network to
16 perform the following functions under the direction of and as required by the
17 Department of Crime Control and Public Safety:

- 18 (1) Conduct surveys and gather data on crime victims and their needs;
- 19 (2) Act as a clearinghouse for crime victims services;
- 20 (3) Provide an automated crime victims bulletin board for subscribers;
- 21 (4) Coordinate and support the activities of other crime victims advocacy
22 groups;
- 23 (5) Identify training needs of crime victims services providers and
24 criminal justice personnel and coordinate training efforts for those
25 persons; and
- 26 (6) Provide other services as identified by the Governor's Crime
27 Commission or the Department of Crime Control and Public Safety.

28 (b) This section becomes effective July 1, 1994.

30 **PART 10. DEPARTMENT OF HUMAN RESOURCES**

32 Requested by: Senators Martin of Guilford and Perdue

33 **FAMILY RESOURCE CENTER GRANT PROGRAM**

34 Sec. 24. (a) Article 3 of Chapter 143B of the General Statutes is amended by
35 adding a new Part to read:

36 **"PART 5B. FAMILY RESOURCE CENTER GRANT PROGRAM.**

37 **"§ 143B-152.10. Intent.**

38 It is the intent of the General Assembly to encourage and support broad-based
39 collaboration among public and private agencies and among people who reflect the
40 racial and socioeconomic diversity in communities to develop initiatives that (i)
41 prepare children to learn effectively and to have a successful school
42 experience, (ii) enhance the ability of families to become advocates for and supporters
43 of education for the children in their families, and (iii) enhance the ability of families to
44 function as nurturing and effective family units.

1 **"§ 143B-152.11. Family Resource Centers Grant Program; creation; purpose.**

2 There is created in the Department of Human Resources the Family Resources Grant
3 Program. The purpose of the program is to provide grants to establish family resource
4 centers that provide services to children from birth through elementary school age and
5 to their families that:

- 6 (1) Enhance the children's development and ability to attain academic and
7 social success;
- 8 (2) Ensure a successful transition from early childhood education
9 programs and child care to the public schools;
- 10 (3) Assist families in achieving economic independence and self-
11 sufficiency; and
- 12 (4) Mobilize public and private community resources to help children and
13 families in need.

14 **"§ 143B-152.12. Administration of program.**

15 The Department of Human Resources shall develop and implement the Family
16 Resource Center Grant Program. The Department shall:

- 17 (1) Sponsor an annual statewide conference for teams of interested
18 representatives from each local school administrative unit to provide
19 background information and assistance regarding all aspects of the
20 program;
- 21 (2) Administer funds appropriated by the General Assembly;
- 22 (3) Monitor the grants funded and the ongoing operations of family
23 resource centers;
- 24 (4) Revoke a grant if necessary or appropriate;
- 25 (5) Report annually on program implementation to the Joint Legislative
26 Committee on Education Oversight, the Office of the Governor, and
27 the Governor's Council on Children, Youth, and Families;
- 28 (6) Disseminate information regarding the program to interested local
29 community groups;
- 30 (7) Provide initial technical assistance and ongoing technical assistance to
31 grant recipients; and
- 32 (8) Adopt rules to implement this Part.

33 **"§ 143B-152.13. Neighborhood Family Resource Center Councils; applications**
34 **for grants.**

35 (a) A County Council established under G.S. 143B-152.4 shall identify the
36 school or schools whose students and families will be served by a family resource
37 center. Upon this identification, the County Council shall establish a Neighborhood
38 Family Resource Center Council for that center that reflects the racial and
39 socioeconomic diversity of the neighborhood or neighborhoods to be served and that
40 may include the school's principal, a teacher, parents of children who will be eligible for
41 services at the center, a representative of the school's Parent Teacher Association,
42 representatives of local organizations that provide services to children and families,
43 representatives of business and industry or local nonprofit organizations, and any other
44 interested persons.

1 **(b)** The Neighborhood Family Resource Center Council, in consultation with the
2 County Council, shall determine the physical location of the family resource center. If
3 the center is to be established in an elementary school or on school property, the
4 Neighborhood Council shall obtain the approval of the local board of education. Any
5 other location shall be confirmed by the property owner. Upon receipt of the approval
6 of the board of education or the confirmation by the property owner, whichever is
7 appropriate, the Neighborhood Family Resource Center Council, in consultation with
8 the County Council, shall develop an application for the family resource center, and
9 shall submit the application to the Grant Review Committee established under G.S.
10 143B-152.3.

11 **(c)** The grant proposal shall include:

- 12 **(1)** Identification of one or more elementary schools in or reasonably near
13 which a family resource center will be established, based on a needs
14 assessment of existing conditions for children to be served. Data
15 collected for each school to be served by a center shall include (i) the
16 number and percentage of students who participate in the federal
17 subsidized lunch program, (ii) the school's average daily membership,
18 (iii) the number and percentage of students with two working parents
19 or one single parent, (iv) the number of children to be served, and (v)
20 any other relevant or unique local demographic data. The school or
21 schools that are selected shall serve a disproportionate number of low-
22 income children as determined by the percentage of students
23 participating in the federal subsidized lunch program;
- 24 **(2)** A three-year plan, developed in consultation with the building-level
25 school improvement team, appointed in accordance with G.S. 115C-
26 238.3(b1), of each school whose students may be served by the grant,
27 to address the needs of the children and their families to be served by
28 the center;
- 29 **(3)** Goals and anticipated outcomes for initiatives, and a system to
30 measure their success;
- 31 **(4)** A list of services to be offered that are related to the goals and
32 anticipated outcomes of the local plans. These services may include:
33 (i) supervision and enrichment activities for children following the
34 regular school day, (ii) the recruitment of a strong corps of volunteers
35 for involvement in the program, (iii) transportation, (iv) parental
36 involvement activities, and (v) coordinated services offered by local
37 community agencies relative to the needs of the children and their
38 families;
- 39 **(5)** A budget including use of existing resources; and
- 40 **(6)** Any additional necessary information.

41 **(d)** Notwithstanding subsection (c) of this section, a board of county
42 commissioners may apply for a grant under this section if its application provides
43 convincing evidence that genuine interagency collaboration was attempted, but failed, in
44 that county. In this case, the board of county commissioners shall state in its application

1 any future steps it plans to take to encourage and implement local-level collaboration
2 and coordination of services for children and their families.

3 **"§ 143B-152.14. Grant selection.**

4 (a) The Grant Review Committee shall receive and review applications for grants
5 to establish family resource centers in order to make recommendations to the Secretary
6 of Human Resources. In its review and in making recommendations, the Grant Review
7 Committee shall consider (i) the severity of the local problems as determined by the
8 needs assessment data, (ii) the likelihood that the locally designed plan will result in
9 high quality services for children and their families, (iii) evidence of local collaboration,
10 (iv) any innovative or experimental aspects of the plan that will make it a useful model
11 for replication in other counties, (v) the availability of other resources or funds, and (vi)
12 the amount needed to implement the proposal.

13 (b) The Secretary of Human Resources shall award grants, based upon the
14 recommendations of the Grant Review Committee and the factors set forth in subsection
15 (a) of this section, to county boards of commissioners no later than September 1 of each
16 year.

17 (c) If funding to expand the program becomes available in subsequent years,
18 additional family resource centers shall be funded based on:

19 (1) The quality and performance of any existing family resource center;
20 and

21 (2) Need, as determined by the number and percentage of students
22 participating in the subsidized lunch program.

23 **"§ 143B-152.15. Administration of grant programs at the local level.**

24 (a) The county board of commissioners shall serve as the fiscal agent for any
25 grant awarded by the Secretary under this program to establish a family resource center
26 in that county. However, after the first year, the County Council, if incorporated as a
27 nonprofit 501(c) organization as provided in G.S. 143B-152.5, may serve as the fiscal
28 agent. The Neighborhood Family Resource Center Council shall develop the center's
29 budget and shall monitor the ongoing operations of the center, and shall make
30 recommendations for improvement to the County Council and the board of county
31 commissioners, if appropriate.

32 (b) Fiscal agents may, and are encouraged to, use grant funds to contract for the
33 operation of a family resource center or for the provision of services for children and
34 their families through a family resource center. Staffing should include the use of the
35 community schools coordinator employed under G.S. 115C-209 by the board of
36 education of the local school administrative unit in which the school being served by the
37 family resource center is located.

38 **"§ 143B-152.16. Program evaluation.**

39 County Councils established under G.S. 143B-152.4 in counties that receive grants
40 under this Part shall report by August 1 of each year to the Department of Human
41 Resources on the implementation of the program. This report shall demonstrate the
42 extent to which the program has met the local needs, goals, and anticipated outcomes as
43 set forth in the grant proposal."

1 (b) Funds appropriated in this act from the General Fund to the Department of
2 Human Resources to implement subsection (a) of this section shall be used as follows:

3 (1) \$100,000 shall be used by the Department of Human Resources for
4 training, materials, and consultation services.

5 (2) \$1,875,000 shall be used for grants up to \$37,500 per grant. All 82
6 counties that currently do not have Smart Start programs shall be
7 eligible to receive grant funds. Grant funds shall be used to begin
8 implementation of the Family Resource Center Grant Program
9 established under Part 5B of Chapter 143B of the General Statutes.
10 Notwithstanding G.S. 143B-152.14(b), grants shall be awarded by
11 October 1, 1994. The grants shall be awarded for the six months
12 beginning January 1, 1995. These grants shall be based on the
13 guidelines established under Part 5B of Chapter 143B of the General
14 Statutes. However, no school shall be selected to be served by these
15 initial centers unless at least 50% of its students are eligible for the
16 federal subsidized lunch program. Notwithstanding this requirement,
17 each of the 82 counties is eligible to receive one grant for the 1994-95
18 fiscal year under this section.

19 (3) \$80,000 shall be used by the Division of Family Development,
20 Department of Human Resources, to administer the program and to
21 provide technical assistance to applicants and to family resource
22 centers.

23
24 Requested by: Senators Martin of Guilford and Perdue

25 **ANNUAL EVALUATION OF WILDERNESS CAMP PROGRAM**

26 Sec. 25. (a) The Department of Human Resources, Office of Policy
27 Development and Research, shall conduct an annual evaluation of the Wilderness Camp
28 Program. The results of the evaluation shall be submitted to the State Auditor for further
29 review and comment. The State Auditor shall transmit the evaluation along with any
30 comments to the Joint Legislative Commission on Governmental Operations no later
31 than October 1 of each year covering the program for the prior fiscal year. In
32 conducting the evaluation, among other things, the focus shall be on directing youth
33 toward long-term positive and productive noncriminal behavior. The review shall be
34 qualitative and quantitative.

35 (b) This section becomes effective July 1, 1994.

36
37 Requested by: Senators Martin of Guilford and Perdue

38 **EVALUATION OF COACH MENTOR TRAINING PROGRAM**

39 Sec. 26. (a) The Department of Human Resources, Office of Policy
40 Development and Research, shall conduct an annual evaluation of the Coach Mentor
41 Training Program for which funds have been appropriated in this act. The results of the
42 evaluation shall be submitted to the State Auditor for further review and comment no
43 later than August 31 of each year covering the program for the prior fiscal year. The
44 State Auditor shall transmit the evaluation along with any comments to the Joint

1 Legislative Commission on Governmental Operations no later than October 1 of each
2 year covering the program for the prior fiscal year. In conducting the evaluation, among
3 other things, the focus shall be on directing youth toward long-term positive and
4 productive noncriminal behavior. The review shall be qualitative and quantitative.

5 (b) This section becomes effective July 1, 1994.

6

7 Requested by: Senators Martin of Guilford and Perdue

8 **GOVERNOR'S ONE-ON-ONE PROGRAM**

9 Sec. 27. (a) Funds appropriated in this act from the General Fund to the
10 Department of Human Resources, Division of Youth Services for the Governor's One-
11 on-One Program shall be used to increase the funding for each of the existing programs
12 and to provide funding for new programs to bring the number of programs up to at least
13 a total of 65 programs at funding levels of thirty thousand dollars (\$30,000) for each
14 full-time program, fifteen thousand dollars (\$15,000) for each half-time program, and
15 sixty thousand dollars (\$60,000) for each double program.

16 (b) The Department of Human Resources, Office of Policy Development and
17 Research shall conduct an annual evaluation to assess the performance of the Governor's
18 One-on-One Program. The results of the evaluation shall be submitted to the State
19 Auditor for further review and comment no later than August 31 of each year covering
20 the program for the prior fiscal year. The State Auditor shall transmit the evaluation
21 along with any comments to the Joint Legislative Commission on Governmental
22 Operations no later than October 1 of each year covering the program for the prior fiscal
23 year. In conducting the evaluation, among other things, the focus shall be on directing
24 youth toward long-term positive and productive noncriminal behavior. The review shall
25 be qualitative and quantitative.

26 (c) This section becomes effective July 1, 1994.

27

28 Requested by: Senators Perdue, Martin of Guilford, and Winner of Mecklenburg

29 **ALTERNATIVES TO DETENTION PROGRAM**

30 Sec. 28. (a) Of the funds appropriated in this act from the General Fund to the
31 Department of Human Resources, Division of Youth Services, the sum of one hundred
32 twenty-five thousand dollars (\$125,000) for the 1993-94 fiscal year and the sum of five
33 hundred thousand dollars (\$500,000) for the 1994-95 fiscal year shall be used to
34 establish the Alternatives to Detention Program in selected district court judicial
35 districts that do not currently have them.

36 (b) The Department of Human Resources shall perform an evaluation of how the
37 expanded Alternatives to Detention Program affects admission to juvenile detention
38 facilities and shall report the results of this evaluation to the General Assembly by
39 March 1, 1995.

40 (c) This section becomes effective April 1, 1994.

41

42 Requested by: Senators Perdue, Martin of Guilford, and Tally

43 **OUTCOME-BASED ENHANCEMENT OF COMMUNITY-BASED**
44 **ALTERNATIVES PROGRAM**

1 Sec. 29. (a) G.S. 7A-289.13 reads as rewritten:

2 "**§ 7A-289.13. Legislative intent.**

3 The General Assembly hereby declares its intent to reduce the number of children
4 committed by the courts for delinquency to institutions operated by the Division of
5 Youth Development, Department of Human Resources or other State agencies. The
6 primary intent of this Article is to provide a comprehensive plan for the development of
7 community-based alternatives to training school commitment so that 'status offenders'
8 (defined by this Article to include 'those juveniles guilty of offenses which would not be
9 violations of the law if committed by an adult') may be eliminated from the youth
10 development institutions of this State. Additionally it is the intent of this legislation to
11 provide noninstitutional disposition options in any case before the juvenile court where
12 ~~such this~~ disposition is deemed to be considered in the best interest of the child and the
13 community.

14 The policy and intent of the General Assembly in delinquency prevention and
15 community-based services can be summarized as follows:

16 (1) ~~Such-These~~ programs should shall be planned and organized at the
17 community level within the State, and ~~such-these~~ planning efforts
18 should shall include appropriate representation from local government,
19 local public and private agencies serving families and ~~children (both~~
20 ~~public and private)~~, children, local business leaders, citizens with an
21 interest in youth problems, youth representatives, and others as may be
22 appropriate in a particular community. The role of the State ~~should~~
23 shall be to provide technical assistance, access to funding, and
24 program information, and to assist local leadership in appropriate
25 planning.

26 (1a) As a prerequisite for receiving funding for Community-Based
27 Alternatives, each county shall appoint a Community-Based
28 Alternatives Youth Services Advisory Committee and shall update and
29 revise the Committee's membership to ensure appropriate
30 representation.

31 (1b) The Community-Based Alternatives Youth Services Advisory
32 Committee required by subdivision (1a) of this section shall annually
33 review the needs of troubled juveniles within its county, develop and
34 advertise a Request for Proposal process, and submit a written Plan of
35 Action for the expenditure of Community-Based Alternatives funds to
36 the county for its approval. Upon the county's authorization, the Plan
37 shall be submitted to the Division of Youth Services for final approval
38 and subsequent implementation.

39 (1c) The Division of Youth Services shall develop and implement uniform
40 standards for each county's Community-Based Alternatives Youth
41 Services Advisory Committee's annual certification and written
42 requirements for program planning including a standard format for the
43 Request for Proposal.

1 (2) When a child is adjudicated to be within the juvenile jurisdiction of the
2 district ~~court~~ court, ~~such~~ this child should be carefully evaluated
3 through the available community-level ~~resources~~ (including resources,
4 including mental health, social services, public health and other
5 available medical services, public schools, and ~~others as appropriate)~~
6 other appropriate services, prior to the juvenile hearing dealing with
7 disposition so that the disposition of the court may be made with an
8 understanding of the needs of the child and after consideration of the
9 resources available to meet these needs.

10 (3) It is contrary to the policy of the State for a court to separate a child
11 from ~~his~~ the child's own family or commit a child to an institution or
12 training school without a careful evaluation of the needs of the child.

13 (4) The General Assembly finds that State and local government ~~should~~
14 shall be responsive to the need for community-based services ~~which~~
15 that would provide a viable alternative to commitment to an institution
16 or training school. The General Assembly intends that State
17 government should be responsive to this need through the Department
18 of Human Resources by helping public and private local groups to
19 plan, ~~develop~~ develop, and fund community-based programs, both
20 residential and nonresidential. ~~It is recognized~~ The General Assembly
21 recognizes that ~~such~~ these efforts will require the cooperation of
22 several major State departments in addition to Human Resources, such
23 as the Department of Public Instruction, the Administrative Office of
24 the Courts, and the Governor's Crime Commission. ~~Commission of the~~
25 Department of Crime Control and Public Safety.

26 (5) It is the intent of the General Assembly that the Secretary of the
27 Department of Human Resources develop a funding mechanism that
28 will provide State support for programs that meet the standards as
29 developed under the provisions of this Article."

30 (b) Of the funds appropriated in this act from the General Fund to the
31 Department of Human Resources, Division of Youth Services, the sum of five hundred
32 thousand dollars (\$500,000) for the 1994-95 fiscal year shall be used to expand
33 Community-Based Alternatives services.

34 (c) It is the intent of the General Assembly that each county receiving these
35 funds use the funds so as to maximize the needed local services for those juveniles
36 identified by the county to be most at risk for commitment to training school. The
37 Division of Youth Services shall allocate these funds as follows:

38 (1) \$500,000, considered as "merit" expansion, allocated among the
39 counties based on their population of 10- to 17-year-olds and on their
40 willingness to submit to the Division of Youth Services a localized,
41 strategic plan of action for enhancing interagency coordination and
42 using Community-Based Alternatives more effectively.

43 The Division of Youth Services shall require that all counties that, in 1993, committed
44 juveniles to training schools at rates that exceeded the overall State average submit to it

1 a goal-specific plan to reduce their dependency on incarceration as a dispositional
2 alternative.

3 (d) These funds shall be matched by each county as currently required by the
4 Division of Youth Services.

5
6 Requested by: Senators Martin of Guilford and Perdue

7 **DHR STUDY OF JUVENILE JUSTICE SYSTEM**

8 Sec. 30. (a) The Department of Human Resources shall conduct a
9 comprehensive study of the Division of Youth Services' juvenile justice system in order
10 to ensure the efficacy, cost-effectiveness, and optimal utilization of the system and its
11 continuum of services. The Department may contract with an independent consultant to
12 assist it in its study. The Administrative Office of the Courts, the Department of
13 Correction, and any other State or local agencies the Department considers have a role
14 in the juvenile justice system shall cooperate with the Department in its study.

15 The Department shall convene an advisory panel to assist it in its study. This
16 panel shall consist of the Administrative Officer of the Courts, as many juvenile court
17 judges as the Department considers necessary, three Senators recommended by the
18 President Pro Tempore of the Senate, three Representatives recommended by the
19 Speaker of the House of Representatives, and any others the Department considers
20 necessary.

21 Members of this advisory panel shall receive the subsistence and travel
22 expenses set forth in Chapter 120 and Chapter 138 of the General Statutes, as
23 appropriate.

24 (b) This study shall include:

- 25 (1) An analysis, including an assessment of safety risks to community and
26 staff, of the current training school population;
- 27 (2) An assessment of adult and juvenile recidivism rates of recent training
28 school residents;
- 29 (3) An analysis of the cost and success of dispositions of juvenile
30 offenders who are placed on probation or assigned to other programs;
- 31 (4) An evaluation of the Community-Based Alternative Program;
- 32 (5) An assessment of the juvenile offender systems and programs used in
33 other states;
- 34 (6) The development of an early warning system by which potential
35 youthful offenders are identified at a very early age so that intervention
36 can be made to prevent adverse outcomes;
- 37 (7) An evaluation of vocational education in the training schools;
- 38 (8) An analysis of other services and treatments offered in training
39 schools;
- 40 (9) Alternatives to detention and to training schools;
- 41 (10) Proposals for appropriate reforms of the current dispositional system
42 that will help juvenile offenders become productive citizens, control
43 costs, and protect the public safety;

- 1 (11) Recommendations to enable accountability and evaluation of outcomes
2 of juvenile programs and dispositions, including recommendations for
3 system changes that will enable tracking of participants in juvenile
4 offender programs into the adult criminal and other juvenile offender
5 programs; and
- 6 (12) Recommendations concerning whether a commission should be
7 established to periodically review and evaluate the juvenile justice
8 system and the composition of such a commission if established.
- 9 (c) The study components should be measured by whether the juvenile justice
10 system provides:
- 11 (1) Skills to develop positive self-concept, the ability to analyze and
12 understand consequences of their choices, the ability to accept
13 responsibility for one's own action, and to develop positive
14 interpersonal relationships;
- 15 (2) Opportunity for educational achievement and acquisition of usable job
16 skills;
- 17 (3) Skills for remaining free from substance abuse, violence and criminal
18 activity;
- 19 (4) Opportunity to involve family members and other significant
20 individuals in the rehabilitative and treatment processes;
- 21 (5) Effective support systems for juveniles and their family members that
22 are designed to increase the prospect of achieving and maintaining
23 long-term program goals;
- 24 (6) Program methodologies and staff training and development that is
25 consistent and correlates with program goals; and
- 26 (7) Evidence of effective and efficient client-focused collaborative and
27 cooperative service delivery arrangements with other public and
28 private agencies.
- 29 (d) The Department shall complete this study by October 31, 1994, and shall
30 report the results of this study to the 1995 General Assembly by February 1, 1995.

31
32 Requested by: Senators Martin of Guilford and Perdue

33 **GOVERNOR'S COUNCIL ON CHILDREN, YOUTH, AND FAMILIES**

34 Sec. 31. (a) Article 3 of Chapter 143 of the General Statutes is amended by
35 adding a new Part to read:

36 **"PART 5A. GOVERNOR'S COUNCIL ON CHILDREN, YOUTH, AND**
37 **FAMILIES.**

38 **"§ 143B-152.1. Intent.**

39 It is the intent of the General Assembly to (i)promote and encourage collaboration
40 and collaborative planning and delivery of services among agencies that serve the needs
41 of children, youth, and families, (ii) make more effective use of existing federal, State,
42 and local resources and programs for children, youth, and families, (iii) streamline the
43 delivery of services and eliminate duplication of services for children, youth, and
44 families, and (iv) promote and enhance State-level leadership in achieving these goals.

1 **"§ 143B-152.2. Governor's Council on Children, Youth, and Families; creation;**
2 **meetings.**

3 (a) There is created a Governor's Council on Children, Youth, and Families in the
4 Department of Human Resources for budgetary and staffing purposes only. The
5 Department of Human Resources shall provide staff and clerical support to the Council,
6 but the Council shall exercise its statutory powers and duties independently of the
7 Department.

8 (b) The Council shall consist of the following members:

9 (1) One representative of the Office of the Governor, appointed by the
10 Governor;

11 (2) The Superintendent of Public Instruction;

12 (3) The Secretary of Environment, Health, and Natural Resources;

13 (4) The Secretary of Human Resources; and

14 (5) The Chair of the State Board of Education.

15 The Governor may appoint any other representatives of State, local, or private
16 entities that provide services and programs for children, youth, and families, and other
17 interested individuals, such as low-income parents, parents of children with special
18 needs, representatives of business and industry, and representatives of County Councils
19 established under this Part, to serve on this Council. The Governor shall appoint or
20 serve as the Chair of the Council.

21 (c) The Governor shall convene the Council within 60 days of the effective date
22 of this Part. Thereafter, the Council shall meet at least biannually upon the call of the
23 Chair of the Council.

24 (d) The Governor shall set the agenda for the Council's first meeting; the Chair,
25 upon consultation with the Governor, shall set the agenda for subsequent meetings. The
26 Governor shall consider the Council's reports in setting State policy for children, youth,
27 and families.

28 **"§ 143B-152.3. Powers and duties of the Council.**

29 (a) The Council shall:

30 (1) Provide State-level leadership on issues affecting children and youth,
31 including children with special needs, and their families;

32 (2) Foster collaboration and coordination between and among the many
33 State agencies with responsibility for providing services to children,
34 youth, and families;

35 (3) Help develop and carry out a unified and comprehensive long-range
36 agenda for children, youth, and families;

37 (4) Promote accountability for achieving the State's goals in a timely and
38 effective manner by establishing strategies for evaluating programs
39 affecting children, youth, and families;

40 (5) Advise the Governor upon any other matter that the Governor may
41 refer to the Council; and

42 (6) Report biannually to the Governor and annually to the General
43 Assembly on its progress in meeting the intent and purpose of this
44 Part.

1 (b) In carrying out its duties, the Council may:

2 (1) Develop a strategic plan for the development, coordination, and
3 implementation of services and programs for children, youth, and
4 families. This plan should:

5 a. Include a system to evaluate the success of existing and new
6 services and programs;

7 b. Consider services and programs that are provided by nonpublic
8 agencies; and

9 c. Consider the establishment of a single portal of entry at the
10 local level for the delivery of services by public agencies to
11 children, youth, and families;

12 (2) Prepare a State-level cooperative agreement among primary State
13 agencies involved with providing services to children, youth, and
14 families. This agreement should address staffing, technical assistance,
15 and other needs of local entities in their development of Family
16 Resource Centers and Support Our Students Centers;

17 (3) Identify federal, State, local, and private funds and other support for
18 services and programs for children, youth, and families;

19 (4) Review the programs of all State agencies that provide services to
20 children, youth, and families and advise the Governor, Secretary of
21 Human Resources, Secretary of Environment, Health, and Natural
22 Resources, Superintendent of Public Instruction, and the Chair of the
23 State Board of Education on the coordination of programs to prevent
24 duplication and overlapping of these services;

25 (5) Develop recommendations with regard to laws, rules, and policies so
26 as to improve the effective and efficient delivery of services through
27 individual agencies and through collaboration among agencies. In
28 particular, the Council should evaluate laws, rules, and policies related
29 to confidentiality of records so as to make recommendations to remove
30 barriers to interagency exchange of information;

31 (6) Serve as the agency through which various public and nonpublic
32 organizations concerned with children, youth, and families can
33 exchange information, coordinate programs, and be helped to engage
34 in joint endeavors; and

35 (7) Consider the reports of the County Councils in its deliberations and
36 recommendations.

37 (c) The Chair may establish any standing, ad hoc, or interagency committees and
38 task forces as may be necessary to carry out the functions of the Council and may
39 appoint Council members or other individuals to serve on these committees and task
40 forces.

41 (d) The Council shall establish a Grant Review Committee that shall:

42 (1) Receive and review applications for grants to establish Support Our
43 Students Centers under Part 8 of Article 16 of Chapter 115C of the

1 General Statutes and to establish Family Resource Centers under Part
2 5B of Article 3 of Chapter 143B of the General Statutes;

3 (2) Develop a system for submitting applications and awarding grants for
4 these centers;

5 (3) Make recommendations on grant awards for Support Our Students
6 Centers to the State Board of Education based on the criteria
7 established in Part 8 of Article 16 of Chapter 115C of the General
8 Statutes; and

9 (4) Make recommendations on grant awards for Family Resource Centers
10 to the Secretary of Human Resources based on the criteria established
11 in Part 5B of Article 3 of Chapter 143B of the General Statutes.

12 (e) All appropriate agencies, including the Department of Human Resources, the
13 Department of Public Instruction, the State Board of Education, the Department of
14 Environment, Health, and Natural Resources, the Administrative Office of the Courts,
15 and other public and private providers of services for children, youth, and families shall
16 cooperate with the Council in carrying out its mandate.

17 **§ 143B-152.4. County Councils on Children, Youth, and Families; creation;**
18 **meetings.**

19 (a) Each county may establish a County Council on Children, Youth, and
20 Families.

21 (b) Each County Council shall consist of the following members who shall be
22 generally reflective of the racial and socioeconomic diversity of the county:

23 (1) The superintendent of each local school administrative unit located in
24 the county;

25 (2) The director of the county department of social services;

26 (3) The director of the county department of public health;

27 (4) A local mental health professional, appointed by the director of the
28 area authority established under Chapter 122C of the General Statutes;

29 (5) The local board of education of each local school administrative unit
30 located in the county shall appoint one member of the board of
31 education, one teacher who teaches children in any of the grades
32 between kindergarten through ninth grade, and one public school
33 social worker or other student support personnel;

34 (6) The county board of commissioners shall appoint one commissioner,
35 one representative of the public library, and one local law enforcement
36 officer;

37 (7) The county manager;

38 (8) The Chief District Court Judge shall appoint one District Court Judge
39 with expertise relating to the juvenile justice system; and

40 (9) The President of the Community College that serves the county, or the
41 President's designee.

42 The Council members named above shall appoint one representative of business and
43 industry, one representative of a nonprofit organization that provides services to
44 children, youth, and families, and one representative from a county religious

1 organization. The Council shall appoint no less than three parents of children who are
2 eligible to be served by programs coordinated by any Neighborhood Councils as they
3 are established. These parents also should be members of the Neighborhood Council of
4 the program that serves their children.

5 A County Council may appoint any other representatives of local public, private, or
6 nonprofit agencies that provide services and programs for children, youth, and families
7 in the county, and other interested individuals, such as low-income parents, parents of
8 children with special needs, and representatives of business and industry, to serve as
9 members of the County Council. The Council shall elect a chair from its membership.
10 Vacancies on a County Council shall be filled by the original appointing authority.

11 A local organization formed in accordance with G.S. 143B-168.12 that exists within
12 the county may serve as the basis of the County Council. In this case, the appointing
13 authorities shall add additional members from the entities required to be represented by
14 this subsection.

15 (c) The chair of the county board of commissioners and the chair of the board of
16 education of each local school administrative unit in the county shall jointly call the first
17 meeting and set the agenda for that meeting. Thereafter, the County Council shall meet
18 at least quarterly upon the call of its chair, and the chair shall set the agendas for
19 subsequent meetings.

20 **"§ 143B-152.5. Powers and duties of County Councils.**

21 (a) A County Council shall:

- 22 (1) Provide local-level leadership on issues affecting children and youth,
23 including children with special needs, and their families;
- 24 (2) Foster collaboration and coordination between and among the many
25 local agencies with responsibility for providing services to children,
26 youth, and families;
- 27 (3) Help develop and carry out a unified and comprehensive long-range
28 agenda for children, youth, and families;
- 29 (4) Promote accountability for achieving these goals in a timely and
30 effective manner by establishing strategies for evaluating programs
31 that serve children, youth, and families;
- 32 (5) Identify sources of fiscal and other support for services and programs
33 for children, youth, and families in the county;
- 34 (6) Develop a system for selecting sites for Family Resource Centers and
35 Support Our Students Centers, for assisting Neighborhood Councils in
36 applying for grants to establish these centers, and for assisting in the
37 monitoring of the ongoing operations of these centers as they are
38 established;
- 39 (7) Apply for incorporation no later than one year after formation of the
40 Council; and
- 41 (8) Report annually to the Governor's Council on Children, Youth, and
42 Families on its progress in meeting the intent and purpose of this Part.

43 (b) In carrying out its duties, a County Council may:

- 1 (1) Develop a strategic plan for the development, coordination, and
2 implementation of services and programs for children, youth, and
3 families in the county. This plan should:
4 a. Include a system to evaluate the success of existing and new
5 services and programs; and
6 b. Consider services and programs for children, youth, and
7 families that are provided by local private or nonprofit agencies;
8 (2) Prepare a local-level cooperative agreement among primary local
9 public agencies involved with providing services to children, youth,
10 and families in the county. This agreement should address staffing,
11 technical assistance, and other needs of Family Resource Centers and
12 Support Our Students Centers;
13 (3) Develop recommendations concerning laws, rules, and policies so as to
14 improve the effective and efficient delivery of services through
15 individual agencies and through collaboration among agencies; and
16 (4) Serve as the local agency through which various public and nonpublic
17 organizations concerned with children, youth, and families can
18 exchange information, coordinate programs, and be helped to engage
19 in joint endeavors.

20 (c) A County Council may establish any standing, ad hoc, and interagency
21 committees and task forces, such as task forces for Support Our Students and Family
22 Resource Center programs, as may be necessary to carry out the functions of the
23 Council and may appoint Council members or other individuals to serve on these
24 committees and task forces.

25 (d) All appropriate agencies and other providers of services for children, youth,
26 and families in the county shall cooperate with the County Council in carrying out its
27 mandate."

28 (b) The Governor's Council on Children, Youth, and Families shall develop
29 procedures to evaluate the Family Resource Center Grant Program established under
30 Part 5B of Article 3 of Chapter 143B of the General Statutes and the Support Our
31 Students (S.O.S.) Program established under Part 8 of Article 16 of Chapter 115C of the
32 General Statutes. The Council may contract with a constituent institution of The
33 University of North Carolina or with a nonprofit agency to carry out the evaluation,
34 which shall include a short-term program evaluation and a system to measure and
35 analyze long-term program goals and outcomes. The Council shall report to the General
36 Assembly by December 31, 1995, on the results of this evaluation.

37 (c) The Governor's Council on Children, Youth, and Families shall file its
38 initial report to the General Assembly under G.S. 143B-152.3(a)(6) no later than
39 December 31, 1994, and annually thereafter.

40 (d) Of the funds appropriated in this act from the General Fund to the
41 Department of Human Resources, the sum of one hundred fifty thousand dollars
42 (\$150,000) for the 1994-95 fiscal year shall be used to carry out the evaluation in
43 subsection (b) of this section.

44

1 Requested by: Senators Daniel and Plyler

2 **TRAINING SCHOOL FUNDS ALLOCATION**

3 Sec. 32. Funds appropriated in this act to the Department of Human
 4 Resources, Division of Youth Services, for additional training school beds shall be used
 5 for staffing requirements as proposed by the Governor, except that the position of
 6 business manager at each of the five training schools shall not be funded, and one
 7 additional business manager position at the Division level may be funded.

8

9 **PART 11. JUDICIAL DEPARTMENT**

10

11 Requested by: Senators Kerr, Odom, and Cooper

12 **DEFERRED PROSECUTION STUDY**

13 Sec. 33. The Administrative Office of the Courts, in consultation with the
 14 North Carolina Conference of District Attorneys, shall study the problem of
 15 underutilization of the deferred prosecution program established in G.S. 143B-475.1
 16 and shall recommend methods for encouraging greater use of the program across the
 17 State. The Administrative Office of the Courts shall report its findings and
 18 recommendations to the 1995 General Assembly.

19

20 Requested by: Senators Conder, Ballance, and Soles

21 **DISTRICT ATTORNEY ACCESS TO POLICE INFORMATION NETWORK**

22 Sec. 34. (a) Funds appropriated in this act to the Judicial Department for the
 23 1993-94 fiscal year to provide access to the Police Information Network that are not
 24 expended by the end of the fiscal year shall not revert, but shall remain available for the
 25 next fiscal year.

26 (b) This section becomes effective April 1, 1994.

27

28 Requested by: Senators Cooper and Odom

29 **DRUG COURT PROGRAM FUNDS/SANCTIONS FOR UNFOUNDED**
 30 **AFFIDAVIT FOR REMOVAL OF DISTRICT ATTORNEY**

31 Sec. 35. (a) G.S. 7A-41(a) reads as rewritten:

32 "(a) The counties of the State are organized into judicial divisions and superior
 33 court districts, and each superior court district has the counties, and the number of
 34 regular resident superior court judges set forth in the following table, and for districts of
 35 less than a whole county, as set out in subsection (b) of this section:

36	37	38	39	40	41	42	43	44
	Judicial	Superior						
	Division	Court	Counties					
		District						
	First	1	Camden, Chowan,					
			Currituck,					
			Dare, Gates,					
			Pasquotank,					
			Perquimans					

1	2	Beaufort, Hyde,	1
2		Martin,	
3		Tyrrell, Washington	
4	3A	Pitt	2
5	3B	Carteret, Craven,	2
6		Pamlico	
7	4A	Duplin, Jones,	1
8		Sampson	
9	4B	Onslow	1
10	5	New Hanover,	3
11		Pender	
12	6A	Halifax	1
13	6B	Bertie, Hertford,	1
14		Northampton	
15	7A	Nash	1
16	7B	(part of Wilson,	1
17		part of Edgecombe,	
18		see subsection (b))	
19	7C	(part of Wilson,	1
20		part of Edgecombe,	
21		see subsection (b))	
22	8A	Lenoir and Greene	1
23	8B	Wayne	1
24	9	Franklin, Granville,	2
25		Vance, Warren	
26	9A	Person, Caswell	1
27	10A	(part of Wake,	2
28		see subsection (b))	
29	10B	(part of Wake,	2
30		see subsection (b))	
31	10C	(part of Wake,	1
32		see subsection (b))	
33	10D	(part of Wake,	1
34		see subsection (b))	
35	11	Harnett, Johnston,	2
36		Lee	
37	12A	(part of Cumberland,	1
38		see subsection (b))	
39	12B	(part of Cumberland,	1
40		see subsection (b))	
41	12C	(part of Cumberland,	2
42		see subsection (b))	
43	13	Bladen, Brunswick,	2
44		Columbus	

1		14A	(part of Durham, see subsection (b))	1
2				
3		14B	(part of Durham, see subsection (b))	3
4				
5		15A	Alamance	2
6		15B	Orange, Chatham	1
7		16A	Scotland, Hoke	1
8		16B	Robeson	2
9	Third	17A	Rockingham	2
10		17B	Stokes, Surry	2
11		18A	(part of Guilford, see subsection (b))	1
12				
13		18B	(part of Guilford, see subsection (b))	1
14				
15		18C	(part of Guilford, see subsection (b))	1
16				
17		18D	(part of Guilford, see subsection (b))	1
18				
19		18E	(part of Guilford, see subsection (b))	1
20				
21		19A	Cabarrus	1
22		19B	Montgomery, Randolph	1
23				
24		19C	Rowan	1
25		20A	Anson, Moore, Richmond	2
26				
27		20B	Stanly, Union	2
28		21A	(part of Forsyth, see subsection (b))	1
29				
30		21B	(part of Forsyth, see subsection (b))	1
31				
32		21C	(part of Forsyth, see subsection (b))	1
33				
34		21D	(part of Forsyth, see subsection (b))	1
35				
36		22	Alexander, Davidson, Davie, Iredell	2
37				
38		23	Alleghany, Ashe, Wilkes, Yadkin	1
39				
40	Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
41				
42				
43		25A	Burke, Caldwell	2
44		25B	Catawba	2

1	26A	(part of Mecklenburg, see subsection (b))	2 <u>3</u>
2			
3	26B	(part of Mecklenburg, see subsection (b))	2
4			
5	26C	(part of Mecklenburg, see subsection (b))	2
6			
7	27A	Gaston	2
8	27B	Cleveland, Lincoln	2
9	28	Buncombe	2
10	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
11			
12			
13			
14	30A	Cherokee, Clay, Graham, Macon, Swain	1
15			
16			
17	30B	Haywood, Jackson	1."

18 (b) Effective April 1, 1995, the Governor shall appoint the superior court
 19 judge for District 26A authorized by subsection (a) of this section, whose term shall
 20 expire December 31, 1996. This judge's successor shall be chosen in the 1996 general
 21 election.

22 (c) G.S. 7A-45.1(a) reads as rewritten:

23 "(a) Effective November 1, 1993, the Governor may appoint a special superior
 24 court judge to serve a term expiring December 31, 1998. Effective July 1, 1994, the
 25 Governor may appoint a special superior court judge to serve a term expiring December
 26 31, 1996. Successors to the special superior court judges appointed pursuant to this
 27 subsection shall be appointed to four-year terms. A special judge takes the same oath of
 28 office and is subject to the same requirements and disabilities as are or may be
 29 prescribed by law for regular judges of the superior court, save the requirement of
 30 residence in a particular district."

31 (d) G.S. 7A-60(a1) reads as rewritten:

32 "(a1) The counties of the State are organized into prosecutorial districts, and each
 33 district has the counties and the number of full-time assistant district attorneys set forth
 34 in the following table:

35			No. of Full-Time
36 Prosecutorial			Asst. District
37 District	Counties	Attorneys	
38 1	Camden, Chowan, Currituck,	7	
39	Dare, Gates, Pasquotank,		
40	Perquimans		
41 2	Beaufort, Hyde, Martin,	4	
42	Tyrrell, Washington		
43 3A	Pitt	6	
44 3B	Carteret, Craven, Pamlico	6	

1	4	Duplin, Jones, Onslow, 10	
2		Sampson	
3	5	New Hanover, Pender 9	
4	6A	Halifax 3	
5	6B	Bertie, Hertford, 3	
6		Northampton	
7	7	Edgecombe, Nash, Wilson	10
8	8	Greene, Lenoir, Wayne 8	
9	9	Franklin, Granville, 7	
10		Vance, Warren	
11	9A	Person, Caswell 2	
12	10	Wake	19
13	11	Harnett, Johnston, Lee 9	
14	12	Cumberland 12	
15	13	Bladen, Brunswick, Columbus 6-7	
16	14	Durham 9	
17	15A	Alamance 6	
18	15B	Orange, Chatham 5	
19	16A	Scotland, Hoke 3	
20	16B	Robeson 7	
21	17A	Rockingham 4	
22	17B	Stokes, Surry 4	
23	18	Guilford 17	
24	19A	Cabarrus 4	
25	19B	Montgomery, Randolph 5	
26	19C	Rowan 4	
27	20	Anson, Moore, Richmond, 11	
28		Stanly, Union	
29	21	Forsyth 12	
30	22	Alexander, Davidson, Davie, 11	
31		Iredell	
32	23	Alleghany, Ashe, Wilkes, 4	
33		Yadkin	
34	24	Avery, Madison, Mitchell, 3	
35		Watauga, Yancey	
36	25	Burke, Caldwell, Catawba 11	
37	26	Mecklenburg 23	
38	27A	Gaston 8	
39	27B	Cleveland, 5	
40		Lincoln	
41	28	Buncombe 8	
42	29	Henderson, McDowell, Polk, 8	
43		Rutherford, Transylvania	
44	30	Cherokee, Clay, Graham, 6	

1 Haywood, Jackson, Macon,
2 Swain."

3 (e) G.S. 7A-60(a1) reads as rewritten:

4 "(a1) The counties of the State are organized into prosecutorial districts, and each
5 district has the counties and the number of full-time assistant district attorneys set forth
6 in the following table:

7				No. of Full-Time
8	Prosecutorial			Asst. District
9	District	Counties	Attorneys	
10	1	Camden, Chowan, Currituck,	7	
11		Dare, Gates, Pasquotank,		
12		Perquimans		
13	2	Beaufort, Hyde, Martin,	4	
14		Tyrrell, Washington		
15	3A	Pitt	6	
16	3B	Carteret, Craven, Pamlico	6	
17	4	Duplin, Jones, Onslow,	10	
18		Sampson		
19	5	New Hanover, Pender	9	
20	6A	Halifax	3	
21	6B	Bertie, Hertford,	3	
22		Northampton		
23	7	Edgecombe, Nash, Wilson		10
24	8	Greene, Lenoir, Wayne	8	
25	9	Franklin, Granville,	7	
26		Vance, Warren		
27	9A	Person, Caswell	2	
28	10	Wake		19
29	11	Harnett, Johnston, Lee	9	
30	12	Cumberland	12	
31	13	Bladen, Brunswick, Columbus	7	
32	14	Durham	9	
33	15A	Alamance	6	
34	15B	Orange, Chatham	5	
35	16A	Scotland, Hoke	3	
36	16B	Robeson	7	
37	17A	Rockingham	4	
38	17B	Stokes, Surry	4	
39	18	Guilford	17	
40	19A	Cabarrus	4	
41	19B	Montgomery, Randolph	5	
42	19C	Rowan	4	
43	20	Anson, Moore, Richmond,	11	
44		Stanly, Union		

1	21	Forsyth	12
2	22	Alexander, Davidson, Davie,	11
3		Iredell	
4	23	Alleghany, Ashe, Wilkes,	4
5		Yadkin	
6	24	Avery, Madison, Mitchell,	3
7		Watauga, Yancey	
8	25	Burke, Caldwell, Catawba	11
9	26	Mecklenburg	23-27
10	27A	Gaston	8
11	27B	Cleveland,	5
12		Lincoln	
13	28	Buncombe	8
14	29	Henderson, McDowell, Polk,	8
15		Rutherford, Transylvania	
16	30	Cherokee, Clay, Graham,	6
17		Haywood, Jackson, Macon,	
18		Swain."	

19 (f) G.S. 7A-66 is rewritten to read:

20 **"§ 7A-66. Removal of district attorneys.**

21 The following are grounds for suspension of a district attorney or for his removal
22 from office:

- 23 (1) Mental or physical incapacity interfering with the performance of his
24 duties which is, or is likely to become, permanent;
- 25 (2) Willful misconduct in office;
- 26 (3) Willful and persistent failure to perform his duties;
- 27 (4) Habitual intemperance;
- 28 (5) Conviction of a crime involving moral turpitude;
- 29 (6) Conduct prejudicial to the administration of justice which brings the
30 office into disrepute; or
- 31 (7) Knowingly authorizing or permitting an assistant district attorney to
32 commit any act constituting grounds for removal, as defined in
33 subdivisions (1) through (6) hereof.

34 A proceeding to suspend or remove a district attorney is commenced by filing with
35 the clerk of superior court of the county where the district attorney resides a sworn
36 affidavit charging the district attorney with one or more grounds for removal. The clerk
37 shall immediately bring the matter to the attention of the senior regular resident superior
38 court judge for the district or set of districts as defined in G.S. 7A-41.1(a) in which the
39 county is located who shall within 30 days either review and act on the charges or refer
40 them for review and action within 30 days to another superior court judge residing in or
41 regularly holding the courts of that district or set of districts. If the superior court judge
42 upon review finds that the charges if true constitute grounds for suspension, and finds
43 probable cause for believing that the charges are true, he may enter an order suspending
44 the district attorney from performing the duties of his office until a final determination

1 of the charges on the merits. During the suspension the salary of the district attorney
2 continues. If the superior court judge finds that the charges if true do not constitute
3 grounds for suspension or finds that no probable cause exists for believing that the
4 charges are true, he shall dismiss the proceeding.

5 If a hearing, with or without suspension, is ordered, the district attorney should
6 receive immediate written notice of the proceedings and a true copy of the charges, and
7 the matter shall be set for hearing not less than 10 days nor more than 30 days
8 thereafter. The matter shall be set for hearing before the judge who originally examined
9 the charges or before another regular superior court judge resident in or regularly
10 holding the courts of that district or set of districts. The hearing shall be open to the
11 public. All testimony shall be recorded. At the hearing the superior court judge shall
12 hear evidence and make findings of fact and conclusions of law and if he finds that
13 grounds for removal exist, he shall enter an order permanently removing the district
14 attorney from office, and terminating his salary. If he finds that no grounds exist, he
15 shall terminate the suspension, if any.

16 The district attorney may appeal from an order of removal to the Court of Appeals
17 on the basis of error of law by the superior court judge. Pending decision of the case on
18 appeal, the district attorney shall not perform any of the duties of his office. If, upon
19 final determination, he is ordered reinstated either by the appellate division or by the
20 superior court upon remand his salary shall be restored from the date of the original
21 order of removal.

22 If the court finds that any affidavit upon which a proceeding under this section is
23 brought is not grounded in fact, or is unwarranted by existing law or a good faith
24 argument for the extension, modification or reversal of existing law, or is filed for an
25 improper purpose such as harassment, the court, upon motion or upon its own initiative,
26 shall impose sanctions against the person making or filing the affidavit. The sanctions
27 may include an order to pay the district attorney the amount of the reasonable expenses
28 incurred, including reasonable attorneys' fees."

29 (g) There is established a pilot drug court program in the Thirteenth Judicial
30 District, to be administered by the Administrative Office of the Courts. The purpose of
31 the pilot program is to determine whether the establishment of drug courts statewide is
32 feasible and cost-effective. The Administrative Office of the Courts shall evaluate the
33 pilot and file a report on the pilot with the General Assembly on or before the convening
34 of the 1995 General Assembly, Regular Session 1996. The pilot shall terminate on
35 December 31, 1996. The pilot program shall be conducted within existing funds of the
36 Administrative Office of the Courts, except for any appropriations in this act.

37 (h) Of the funds appropriated in this act from the General Fund to the
38 Judicial Department, the sum of two hundred thirty-one thousand three hundred thirty-
39 four dollars (\$231,334) for the 1994-95 fiscal year shall be used to continue funding the
40 Mecklenburg County Drug Court program during the fourth quarter of the 1994-95
41 fiscal year. The Governor's Crime Commission grant supporting this program expires
42 March 31, 1995.

43 (i) Of the funds appropriated in this act from the General Fund to the
44 Department of Correction the sum of eight thousand seven hundred fifty dollars

1 (\$8,750) for the 1994-95 fiscal year shall be used to establish one probation officer
2 position to work with the Mecklenburg County Drug Court Program.

3 (j) Of the funds appropriated from the General Fund to the Judicial
4 Department the sum of fifty-nine thousand nine hundred twenty-seven dollars (\$59,927)
5 for the 1994-95 fiscal year shall be used to fund the assistant district attorney position
6 established in subsection (d) of this section.

7 (k) Of the funds appropriated from the General Fund to the Judicial
8 Department the sum of one hundred fifteen thousand four hundred seven dollars
9 (\$115,407) for the 1994-95 fiscal year shall be used to fund the special superior court
10 judgeship established in subsection (c) of this section.

11 (l) Subsections (c), (d), (g), (j), and (k) of this section become effective July
12 1, 1994. Subsections (a), (b), (e), (h), and (i) of this section become effective April 1,
13 1995. Subsection (f) of this section is effective upon ratification.

14 15 **PART 12. DEPARTMENT OF JUSTICE**

16
17 Requested by: Senators Cooper and Odom

18 **NORTH CAROLINA DRUG COURT PROGRAM**

19 Sec. 36. (a) Subchapter IV of Chapter 7A of the General Statutes is amended
20 by adding a new Article to read:

21 **"ARTICLE 19A.**

22 **"NORTH CAROLINA DRUG TREATMENT COURT PROGRAM ACT.**

23 **"§ 7A-233. Short title.**

24 This Article shall be known and may be cited as the 'North Carolina Drug Treatment
25 Court Program Act of 1994'.

26 **"§ 7A-234. Purpose.**

27 The General Assembly recognizes that there is a critical need in this State for
28 programs within the criminal justice system that will reduce the incidences of drug
29 addiction and crimes committed as a result of drug addiction. It is the intent of the
30 General Assembly by this Article to create a program to facilitate the creation of drug
31 treatment courts in all prosecutorial districts and to fund pilot programs in a minimum
32 of two prosecutorial districts. The General Assembly intends further by this Article to
33 encourage and assist prosecutorial districts in developing programs that will provide
34 intensive treatment for drug users and addicts, reduce the repeat offenses committed by
35 the potential drug abuse population, and expedite the movement of certain felonies and
36 misdemeanors through the court system.

37 **"§ 7A-235. Definitions.**

38 The following definitions apply in this Article:

39 (1) Drug treatment court. A session of district court created under this
40 Article to provide a court-operated rehabilitation program as an
41 alternative to prosecution.

42 (2) Drug treatment court judge. The district court judge who is assigned
43 the special duty of presiding over the drug treatment court.

- 1 (3) Drug offense. A violation of the Controlled Substances Act, Article 5
2 of Chapter 90 of the General Statutes, as set out in G.S. 90-95.
- 3 (4) Post-plea sentence deferral program. A drug treatment court program
4 in which a defendant must enter a plea of guilty to the charges before
5 entering the program.
- 6 (5) Pre-plea diversion program. A drug treatment court program that a
7 defendant may enter before entering any plea to the charges.
- 8 (6) State Drug Treatment Court Program Director. The person employed
9 by the Department of Justice to monitor and coordinate the operation
10 and evaluation of the North Carolina Drug Treatment Court Program.

11 **"§ 7A-236. Establishment of program.**

12 The North Carolina Drug Treatment Court Program is established in the Department
13 of Justice to facilitate the creation of drug treatment court programs and the funding of
14 pilot drug treatment court programs. All drug treatment court programs shall operate
15 according to this Article and the guidelines developed by the State Drug Treatment
16 Court Management Committee. However, nothing in this Article prohibits or limits any
17 prosecutorial district from establishing a local drug treatment court program regardless
18 of source of funding.

19 **"§ 7A-237. Fund administration.**

20 The Drug Treatment Court Program Fund is created in the Department of Justice and
21 administered by the Attorney General in consultation with the State Drug Treatment
22 Court Management Committee established in G.S. 7A-239. This Fund shall provide
23 grants awarded by the Attorney General to prosecutorial districts that submit the most
24 comprehensive and feasible plan for the implementation of either a post-plea sentence
25 deferral program or a pre-plea diversion program in that prosecutorial district. The
26 grant money shall be awarded according to the recommendation of the Attorney General
27 and the State Drug Treatment Court Management Committee established in G.S. 7A-
28 239. Grants shall be awarded to at least two prosecutorial or judicial districts based
29 upon the general guidelines set forth in this Chapter and any further requirements
30 established by the Attorney General.

31 **"§ 7A-238. Drug treatment court model.**

32 The Attorney General, in conjunction with the State Drug Treatment Court
33 Management Committee established in G.S. 7A-239, shall develop criteria for eligibility
34 and other procedural and substantive guidelines for models of both a pre-plea diversion
35 program and a post-plea sentence deferral program.

36 **"§ 7A-239. State Drug Treatment Court Management Committee.**

37 The State Drug Treatment Court Management Committee is established to monitor
38 the drug treatment court program statewide. The Committee shall be chaired by the
39 Attorney General or the Attorney General's designee and shall consist of the following
40 persons or their designees:

- 41 (1) The Chief Justice of the North Carolina Supreme Court.
- 42 (2) The President of the Conference of District Attorneys.
- 43 (3) The Chief Appellate Defender.
- 44 (4) The President of the North Carolina Community College System.

- 1 (5) The Secretary of the Department of Human Resources.
- 2 (6) The President of the Association of Clerks of Superior Court.
- 3 (7) The State Drug Treatment Court Program Director.
- 4 (8) Any other person later selected by this Committee.

5 The Committee shall promulgate guidelines for the operation and evaluation of the
6 North Carolina Drug Treatment Court Program.

7 **"§ 7A-239.1. Local drug treatment court management committee.**

8 Each district choosing to establish a drug treatment court or applying to participate
9 in a funded pilot program shall form a local drug treatment court management
10 committee consisting of the following persons appointed by the district attorney for that
11 district:

- 12 (1) A district court judge.
- 13 (2) A district attorney or assistant district attorney.
- 14 (3) A public defender, assistant public defender, or member of the private
15 criminal defense bar.
- 16 (4) A clerk of superior court.
- 17 (5) A representative of the local community college.
- 18 (6) A representative of treatment providers.
- 19 (7) The local program director.
- 20 (8) Any other person selected by the local management committee.

21 The local drug treatment court management committee shall promulgate guidelines,
22 not inconsistent with State guidelines, necessary for the operation and evaluation of the
23 local drug treatment court.

24 **"§ 7A-239.2. Plan for evaluation.**

25 Each grant application for the pilot programs requesting funding shall contain a
26 method for evaluating the pilot program's effectiveness. Additionally, the State Drug
27 Treatment Court Program Director shall be responsible for developing an evaluation
28 model on the State level to compare the effectiveness of all the pilot programs.

29 **"§ 7A-239.3. Approval of district attorney.**

30 Within the general guidelines of the drug treatment court models established under
31 G.S. 7A-238, the district attorney in each prosecutorial district establishing a local drug
32 treatment court program regardless of source of funding shall have the right to approve
33 or reject at all times before entry, a defendant's entry into the drug treatment court
34 program.

35 In determining eligibility of a defendant for entry into the program, the district
36 attorney shall consider whether the defendant has any other outstanding arrest warrants,
37 prior or pending restraining orders, significant prior incidents of failing to appear, or a
38 violent prior criminal history.

39 **"§ 7A-239.4. Limited jurisdiction in district court for guilty pleas.**

40 In any prosecutorial district participating in a program established under Article 19A
41 of the General Statutes as set out in this Article, the district court shall have concurrent
42 jurisdiction with the superior court for the limited purpose of accepting pleas of guilty
43 or no contest from defendants who have agreed by written agreement and written
44 transcript of plea to enter a drug treatment court program, and of entering judgment

1 accordingly, with respect to any Class H, I, or J felony. Entry of the plea and
2 disposition in the district court shall be accomplished according to either a bill of
3 information or a bill of indictment. Before accepting the plea, the court shall determine
4 that both the State and the defendant consent to entry of the plea and disposition in the
5 district court, and neither party may withdraw consent once the court accepts the plea.

6 The chief district judge of each district court district and the senior resident superior
7 court judge for the district shall jointly establish by local rules the procedure for
8 disposing of felonies under this section. The rules shall provide for verbatim
9 recordation, in a manner approved by the Administrative Office of the Courts, of
10 proceedings related to the felonies, including proceedings that are usually recorded in
11 the superior court.

12 The judgment entered in the district court division shall be final as with judgments in
13 the superior court division, and any appeal authorized shall be to the appellate division.
14 Any proceedings that arise from the disposition of the case, including probation
15 revocation hearings, termination of drug treatment court program hearings, and
16 sentencing hearings, shall be handled under the jurisdiction of the district court similarly
17 to the practice and procedure in superior court, and the action of the district court shall
18 be final, including for the purpose of any appeal to the appellate division.

19 **"§ 7A-239.5. Admission of guilt and stipulation.**

20 In a pre-plea program, the defendant shall sign a confession of guilt to the charge
21 and stipulations as required by the district attorney.

22 **"§ 7A-239.6. Guilty plea.**

23 In a post-plea sentence deferral program, the defendant shall plead guilty before
24 being accepted into the drug treatment court program.

25 **"§ 7A-239.7. Withdrawal and restoration of rights.**

26 In a pre-plea diversion program case, the defendant has 30 calendar days from the
27 signing of the drug treatment court agreement to withdraw from the drug treatment
28 court program. The defendant shall notify the presiding judge in open court of the
29 decision to withdraw from the program and the decision to be tried on the original
30 charge or charges. Upon the judge's finding of withdrawal, all previously waived rights
31 are restored to the defendant and the defendant shall be given a date for trial or probable
32 cause hearing.

33 In a post-plea sentence deferral program, the defendant has 30 calendar days from
34 the signing of the transcript of plea to appear in open court and withdraw the plea.
35 Upon the judge's finding of withdrawal, all previously waived rights shall be restored to
36 the defendant and the defendant shall be given a date for trial or probable cause hearing.

37 **"§ 7A-239.8. Cost and fees.**

38 Each defendant shall pay the proportionate cost of the defendant's drug treatment
39 court program. The drug treatment court judge shall determine the amount and schedule
40 of payment after considering the defendant's income and ability to pay.

41 **"§ 7A-239.9. Restitution to victim.**

42 In any case in which a victim has suffered a monetary loss as a result of the acts for
43 which the defendant is charged, the drug treatment court judge shall order the defendant
44 to pay into the court money as restitution for the use and benefit of the victim. The

1 payment of restitution shall take precedence over the payment of the costs of treatment
2 and court costs. The clerk shall pay restitution to the victim as that restitution is paid
3 into the office of the clerk of superior court.

4 **"§ 7A-239.10. Disposition of charges against defendant completing program.**

5 Upon the defendant's successful completion of a pre-plea diversion program, the
6 district attorney shall dismiss the charge against the defendant.

7 Upon the defendant's successful completion of a post-plea sentence deferral program,
8 the judge shall allow the defendant to withdraw the plea and the district attorney shall
9 dismiss the case."

10 (b) G.S. 7A-272 is amended by adding a new subsection to read:

11 "(c) In any prosecutorial district participating in a drug treatment court program
12 established under Article 19A of the General Statutes as set out in G.S. 7A-233 et seq.
13 and entitled 'The North Carolina Drug Treatment Court Program Act of 1994', the
14 district court shall have concurrent jurisdiction with the superior court for the limited
15 purpose of accepting pleas of guilty or no contest from defendants who have agreed by
16 written agreement and written transcript of plea to enter a drug treatment court program,
17 and of entering judgment accordingly, with respect to any Class H, I, or J felony. Entry
18 of the plea and disposition in the district court shall be accomplished according to either
19 a bill of information or a bill of indictment. Before accepting the plea, the court shall
20 determine that both the State and the defendant consent to entry of the plea and
21 disposition in the district court, and neither party may withdraw consent once the court
22 accepts the plea.

23 The chief district judge of each district court district and the senior resident superior
24 court judge for the district shall jointly establish by local rules the procedure for
25 disposing of felonies under this section. The rules shall provide for verbatim
26 recording, in a manner approved by the Administrative Office of the Courts, of
27 proceedings related to the felonies, including proceedings that are usually recorded in
28 the superior court.

29 The judgment entered in the district court division shall be final as with judgments in
30 the superior court division, and any appeal authorized shall be to the appellate division.
31 Any proceedings that arise from the disposition of the case, including probation
32 revocation hearings, termination of drug treatment court program hearings, and
33 sentencing hearings, shall be handled under the jurisdiction of the district court similarly
34 to the practice and procedure in superior court, and the action of the district court shall
35 be final, including for the purpose of any appeal to the appellate division.

36 The costs of court for district court shall apply in a case disposed of in the district
37 court under this section unless the defendant has entered a plea in the superior court.
38 Once the defendant enters a plea in the superior court, the costs of superior court shall
39 attach for the case, even if the case is disposed of in district court and the defendant has
40 withdrawn the plea in the superior court."

41 (c) G.S. 15A-641(b) reads as rewritten:

42 "(b) An information is a written accusation by a prosecutor, filed with a superior
43 court, or filed with a district court as to a defendant entering a plea of guilty or no

1 contest in the district court under G.S. 7A-272(c), charging a person represented by
2 counsel with the commission of one or more criminal offenses."

3 (d) G.S. 15A-644(b) reads as rewritten:

4 "(b) An information must contain everything required of an indictment in
5 subsection (a) except that the accusation is that of the prosecutor and the provisions of
6 subdivision (a)(5) do not ~~apply~~-apply, and the name of the district court shall be used in
7 place of the superior court as to a case disposed of in the district court under G.S. 7A-
8 272(c). The information must also contain or have attached the waiver of indictment
9 pursuant to G.S. 15A-642(c)."

10 (e) G.S. 15A-923(a) reads as rewritten:

11 "(a) Prosecution on Information or Indictment. – The pleading in felony cases and
12 misdemeanor cases initiated in the superior court division must be a bill of indictment,
13 unless there is a waiver of the bill of indictment as provided in G.S. 15A-642. If there is
14 a waiver, the pleading must be an information. Either an indictment or an information
15 may serve as the pleading for a felony disposed of in the district court under G.S. 7A-
16 272(c). A presentment by the grand jury may not serve as the pleading in a criminal
17 case."

18 (f) Subsections (a) through (e) of this section become effective May 1, 1994,
19 and expire June 30, 1996. The remainder of this section becomes effective May 1,
20 1994.

21 22 **PART 13. PUBLIC SCHOOLS**

23
24 Requested by: Senators Martin of Guilford and Perdue

25 **SUPPORT OUR STUDENTS (S.O.S.) PILOT PROGRAM**

26 Sec. 37. (a) Article 16 of Chapter 115C of the General Statutes is amended by
27 adding a new Part to read:

28 **"PART 8. S.O.S. PROGRAM.**

29 **"§ 115C-238.40. Establishment of program; purpose; goals.**

30 (a) There is created under the general supervision of the State Board of
31 Education the Support Our Students (S.O.S.) Pilot Program. The purpose of the
32 program is to award three-year grants to local school administrative units to establish
33 S.O.S. centers that provide high quality after-school activities for middle school-aged
34 children and provide for comprehensive, collaborative delivery of services by public
35 and nonpublic agencies to these children and their families. These services shall be
36 designed to enrich and make a positive impact on the lives of middle school-aged
37 children.

38 (b) The goals of the program are to:

39 (1) Reduce juvenile crime in local communities served by the program;

40 (2) Recruit community volunteers to provide positive adult role models for
41 middle school-aged children and to help supervise after-school
42 activities;

43 (3) Reduce the number of students who are unsupervised after school,
44 otherwise known as 'latchkey' children;

- 1 (4) Improve the academic performance of students participating in the
2 program;
- 3 (5) Meet the physical, intellectual, emotional, and social needs of students
4 participating in the program and improve their attitudes and behavior;
- 5 (6) Establish local programs designed to enhance the abilities of families
6 in assisting their children to attain academic and social success; and
- 7 (7) Improve coordination of existing resources and enhance collaboration
8 so as to provide services to middle school-aged children and their
9 families effectively and efficiently.

10 **"§ 115C-238.41. Definitions.**

11 The following definitions apply in this Part:

- 12 (1) County Council. – Established in G.S. 143B-152.4.
- 13 (2) Grant Review Committee. – Established in G.S. 143B-152.3.
- 14 (3) Middle school-aged children. – Children enrolled in grades six, seven,
15 eight, or nine who do not attend a public school with only grades nine
16 through twelve.

17 **"§ 115C-238.42. Administration of the program.**

18 The State Board of Education shall develop and implement the Support Our Students
19 (S.O.S.) Program and shall consider the recommendations of the State Superintendent of
20 Public Instruction in this development and implementation. The State Board has, and
21 may delegate, the following duties:

- 22 (1) Sponsoring a statewide conference each year for teams of interested
23 representatives from each local school administrative unit to provide
24 background information and assistance regarding all aspects of the
25 program;
- 26 (2) Developing and disseminating each year a process for applying for
27 grants;
- 28 (3) Reviewing grant proposals and awarding grants before July 1 of each
29 year in accordance with G.S. 115C-238.44.
- 30 (4) Disseminating information regarding the program to interested local
31 community groups;
- 32 (5) Providing initial technical assistance to grant applicants and ongoing
33 technical assistance as grants are implemented;
- 34 (6) Administering funds appropriated by the General Assembly;
- 35 (7) Monitoring the grants funded;
- 36 (8) Revoking a grant if necessary or appropriate; and
- 37 (9) Reporting annually on program implementation to the Joint Legislative
38 Committee on Education Oversight, the Office of the Governor, and
39 the Governor's Council on Children, Youth, and Families.

40 The State Board shall adopt rules to implement this Part.

41 **"§ 115C-238.43. Neighborhood S.O.S. Council; application for grants.**

42 (a) A County Council shall identify the school or schools whose middle school-
43 aged students are to be served by an S.O.S. center. Only schools that serve middle
44 school-aged children in at least two of the grades six through nine shall be identified.

1 Upon this identification, the County Council shall establish a Neighborhood S.O.S.
2 Council for each S.O.S. center that reflects the racial and socioeconomic diversity of the
3 neighborhood or neighborhoods to be served and that may include the school's
4 principal, a teacher, parents of children who will be eligible for services at the center,
5 students, a representative of the school's Parent Teacher Association, representatives of
6 local organizations that provide services to middle school-aged children, representatives
7 of business and industry or local nonprofit organizations, and any other interested
8 persons.

9 (b) The Neighborhood S.O.S. Council, in consultation with the County Council,
10 shall determine the physical location of the S.O.S. center. If the location is to be in the
11 school or on school property, the Neighborhood S.O.S. Council shall obtain the
12 approval of the local board of education. Any other location shall be confirmed by the
13 owner of the property. Upon receipt of the approval of the local board of education or
14 the confirmation by the property owner, whichever is appropriate, the Neighborhood
15 S.O.S. Council, in consultation with the County Council, shall develop an application
16 for a grant for the S.O.S. center, and shall submit the application to the Grant Review
17 Committee.

18 (c) The grant proposal shall include:

- 19 (1) Identification of the school or schools to be served by the S.O.S.
20 center, based on a needs assessment of existing conditions for middle
21 school-aged children to be served. Data collected for each school to be
22 served by a center shall include (i) dropout statistics, (ii) the number
23 and percentage of middle school-aged children who participate in the
24 federal subsidized lunch program, (iii) the number of suspensions and
25 expulsions involving middle school-aged children, (iv) average daily
26 membership of middle school-aged children, (v) the number and
27 percentage of middle school-aged children with two working parents
28 or one single working parent, (vi) the number of children to be served,
29 and (vii) any other relevant or unique local demographic data;
- 30 (2) A three-year plan, developed in consultation with the building-level
31 school improvement team, appointed in accordance with G.S. 115C-
32 238.3(b1), of each school whose students may be served by the grant,
33 to address the needs of these students;
- 34 (3) Goals and anticipated outcomes for initiatives, and a system to
35 measure their success;
- 36 (4) A list of services to be offered that are related to the goals and
37 anticipated outcomes of the local plans. These services shall include
38 (i) supervision and enrichment activities for middle school-aged
39 children following the regular school day, and (ii) the recruitment of a
40 strong corps of volunteers for involvement in the program. The
41 services may include (i) transportation, (ii) parental involvement
42 activities, and (iii) coordinated services offered by local community
43 agencies relative to the needs of middle school-aged children and their
44 families;

1 (5) A budget including the use of existing resources; and

2 (6) Any additional necessary information.

3 (d) Notwithstanding subsection (c) of this section, a local school administrative
4 unit may apply for a grant under this section if its application provides convincing
5 evidence that genuine interagency collaboration was attempted, but failed, in the county
6 in which the school administrative unit is located. In this case, the local school
7 administrative unit shall state in its application any future steps it plans to take to
8 encourage and implement local-level collaboration and coordination of services for
9 middle school-aged children and their families.

10 **"§ 115C-238.44. Grant selection.**

11 (a) The Grant Review Committee shall receive and review applications for grants
12 to establish S.O.S. centers in order to make recommendations to the State Board of
13 Education. In its review and in making recommendations, the Grant Review Committee
14 shall consider (i) the severity of the local problems as determined by the needs
15 assessment data, (ii) the likelihood that the locally designed plan will result in high
16 quality after-school services for middle school-aged children, (iii) evidence of local
17 collaboration, (iv) any innovative or experimental aspects of the plan that will make it a
18 useful model for replication in other local school administrative units; (v) the
19 availability of other resources or funds, and (vi) the amount needed to implement the
20 proposal.

21 (b) The State Board of Education shall award grants, based upon the
22 recommendations of the Grant Review Committee and the factors set forth in subsection
23 (a) of this section, to local school administrative units before July 1 of each year.

24 **"§ 115C-238.45. Administration of grant programs at the local level.**

25 (a) The local board of education shall administer any grant awarded by the State
26 Board of Education under this program to establish the S.O.S. center. However, the
27 Neighborhood S.O.S. Council shall develop the center's budget and shall monitor the
28 ongoing operations of the S.O.S. center and make recommendations for improvement to
29 the County Council and the local board of education, if appropriate.

30 (b) Local boards of education may, and are encouraged to, use grant funds to
31 contract for services for middle school-aged children. Grant funds shall not be used to
32 provide services for children who are not middle school-aged children. Staffing should
33 include the use of the community schools coordinator employed by the local board of
34 education under G.S. 115C-209.

35 **"§ 115C-238.46. Program evaluation.**

36 Local boards of education that receive a grant under this Part shall report by August
37 1 of each year to the State Board of Education on the implementation of the program.
38 This report shall demonstrate the extent to which the program has met the local needs,
39 goals, and anticipated outcomes as set forth in the grant proposal."

40 (b) Of the funds appropriated in this act from the General Fund to State Aid to
41 Local School Administrative Units for the implementation of subsection (a) of this
42 section, a maximum of one hundred thousand dollars (\$100,000) may be used by the
43 State Board of Education to administer the S.O.S. Program and to provide technical
44 assistance to applicants and to S.O.S. centers. For the 1994-95 fiscal year, the State

1 Board of Education shall provide one grant to each local school administrative unit to
2 establish one or more S.O.S. centers. It is the goal of the General Assembly that all
3 programs that receive grants for the 1994-95 fiscal year shall be operating at the
4 beginning of the 1994-95 school year. In no case shall the implementation of these
5 programs begin later than January 31, 1995.

6 (c) The State Board of Education may use funds available in State Aid to
7 Local School Administrative Units to carry out the work of the Grant Review
8 Committee established in G.S. 143B-152.3 before July 1, 1994.

9
10 Requested by: Senator Daniel

11 **DIFFERENTIATED PAY LIMITED TO CERTIFIED SCHOOL PERSONNEL**
12 **IN CAREER DEVELOPMENT PILOT UNITS**

13 Sec. 38. Section 4 of Chapter 263 of the 1993 Session Laws reads as
14 rewritten:

15 "Sec. 4. This act is effective upon ratification and applies to all differentiated pay
16 plans in effect after July 1, ~~1994~~-1994, except for differentiated pay plans in career
17 development pilot units. This act applies to all differentiated pay plans in career
18 development pilot units that are in effect after the effective date of legislation (i)
19 equalizing the funding formulas for differentiated pay in career development
20 pilot units and in other local school administrative units or (ii) providing additional
21 funding to implement this act."

22
23 Requested by: Senators Perdue and Martin of Guilford

24 **ALTERNATIVE SCHOOL GRANTS**

25 Sec. 39. (a) Of the funds appropriated in this act from the General Fund to
26 Aid to Local School Administrative Units for the 1994-95 fiscal year to provide grants
27 for local school administrative units to enable them to establish, expand, or continue
28 alternative school programs, a maximum of two hundred thousand dollars (\$200,000)
29 may be used by the Department of Public Instruction to provide technical assistance to
30 grant applicants and recipients. An alternative school program is a program for students
31 whose behaviors make it appropriate to serve them outside of a standard classroom
32 setting. Characteristics of the program may include smaller classes and lower
33 student/teacher ratios, school-to-work transition activities, modification of curriculum
34 and instruction to meet individual needs, flexible scheduling, and necessary academic,
35 vocational, and support services for students and their families. Services may also
36 include appropriate measures to teach responsibility, good citizenship, and respect for
37 rules and authority.

38 These funds may be used for continuing or noncontinuing expenses. The
39 maximum amount of each grant shall be two hundred thousand dollars (\$200,000).

40 (b) A local school administrative unit may apply for one or more grants, or two
41 or more adjacent local school administrative units may apply jointly for one or more
42 grants. In designing the proposal the applicant shall collaborate with local
43 governmental and nongovernmental agencies that provide services to school-aged
44 children, including at a minimum, schools, law enforcement, local government, youth

1 services agencies and organizations, job training organizations, mental health, and
2 health care providers, so as to design a program that avoids duplication of effort and
3 expenditure of unnecessary funds.

4 (c) An applicant for a grant shall submit to the State Board of Education an
5 application that includes the following information:

6 (1) An assessment of the need for the establishment or expansion of an
7 alternative school program in the local school administrative unit.

8 (2) A statement of the mission and goals of the program. To assist
9 applicants in developing a program or programs that best matches the
10 needs of the school unit, the Department of Public Instruction shall
11 develop materials and provide technical assistance to local units. The
12 Department shall identify a variety of alternative school models
13 including those developed by the Cities in Schools Program, the Youth
14 and Family Counseling Services including the Options programs, and
15 other successful programs being implemented throughout the State and
16 nationally. The Department shall assist local units in identifying and
17 modifying alternative school models to meet the needs of individual
18 units.

19 (3) A detailed plan for the establishment or expansion of, and for the
20 operation of, the alternative school program. Applicants are
21 encouraged to include in this plan how the plan will serve the needs of
22 several types of students including those: (i) whose behaviors are
23 disruptive and threaten school safety, (ii) who are not achieving at
24 their full potential, (iii) at risk of academic failure, and (iv) that would
25 benefit from the alternative school setting.

26 (4) Which of the following criteria for alternative schools will be included
27 in the program as well as any additional criteria:

28 a. Provide a personalized and caring approach towards each
29 student and each student's academic program;

30 b. Emphasize to each student that attendance in the alternative
31 school program is a privilege and that an atmosphere in which
32 all students can learn must be maintained at all times;

33 c. Maintain a recommended student/teacher ratio of no more than
34 12 to 1;

35 d. Have worker/volunteers to provide community-based services
36 to students and their families;

37 e. When practicable, serve no more than 150 students in a single
38 alternative school program;

39 f. Permit flexible scheduling, including night classes;

40 g. Operate under rules and regulations developed by teachers and
41 students;

42 h. Increase student and parent involvement in decision making;

43 i. Place increased emphasis on developing self-esteem through
44 personal achievement;

- 1 j. Provide training in parenting to the parents of students in the
2 program and to students who have children;
- 3 k. Emphasize citizenship skill training, community service work,
4 responsible decision making, respect for cultural diversity,
5 listening and communication skills, nonviolent methods for
6 resolving conflict, including peer mediation;
- 7 l. Have a committed staff that has participated in staff
8 development activities on children with different learning styles
9 and on training in positive discipline techniques;
- 10 m. Work with local law enforcement officials to involve law
11 enforcement officers in teaching classes and in participating in
12 positive ways with students;
- 13 n. Enter into agreements with existing youth service organizations
14 to carry out alternative school activities; and
- 15 o. How the plan will be coordinated with the school improvement
16 plan and the school governance committee where applicable.
- 17 (5) A statement of how the grant funds would be used and what other
18 resources would be used for the establishment, expansion, or operation
19 of the program.
- 20 (6) A process for assessing on an annual basis the success of the
21 alternative school program in meeting the needs of students assigned
22 to it and enabling them to return to a standard classroom setting, to a
23 job training program, or to gainful employment.
- 24 (d) The State Board shall select grant recipients and shall develop guidelines for
25 the selection of grant recipients. These guidelines shall be submitted to the cochairs of
26 the Joint Legislative Education Oversight Committee and the cochairs of the Legislative
27 Research Commission's Committee on Alternative Schools no later than June 1, 1994.
28 In selecting grant recipients the State Board shall consider the recommendations of the
29 Superintendent. The State Board shall select all grant recipients no later than September
30 1, 1994.
- 31 (e) The Superintendent of Public Instruction shall appoint a task force to
32 assist the Superintendent in reviewing grant applications. The membership of the task
33 force shall be generally reflective of the racial, socioeconomic, and geographic diversity
34 of the State's population. The task force may include representatives of the Department
35 of Public Instruction, the Division of Social Services in the Department of Human
36 Resources, the Health Division in the Department of Environment, Health, and Natural
37 Resources, school social workers, educators, parents, the juvenile justice system, social
38 services, nongovernmental agencies providing services to children, and other members
39 that the Superintendent deems appropriate.
- 40 In reviewing grant applications, the Superintendent shall consider the
41 guidelines established by the State Board, the need for the establishment or expansion of
42 an alternative school program in the local school administrative unit, the likelihood that
43 the plan will result in the establishment or expansion of, and the operation of, a program
44 that will benefit the students assigned to it, and the level of commitment of the local

1 school administrative unit to the successful establishment or expansion of, and the
2 operation of, the program.

3 (f) The Department of Public Instruction shall provide technical assistance to
4 grant applicants and recipients of the development of plans for the development or
5 expansion of alternative school programs and on the implementation of those plans.

6 (g) The State Board of Education shall report to the Joint Legislative
7 Education Oversight Committee prior to March 15, 1995, and prior to January 15, 1996,
8 on how the funds are being used and on assistance provided to local school
9 administrative units by the Department of Public Instruction.

10 (h) G.S. 7A-648 is amended to add a new subdivision to read:

11 "(4) Unless the juvenile is a child with special needs pursuant to Article 9
12 of Chapter 115C of the General Statutes and notwithstanding any law
13 to the contrary, order that the juvenile attend an alternative school
14 program in the local school administrative unit if the juvenile has been
15 expelled or suspended by the local board of education or the judge
16 finds that the juvenile's behavior makes it appropriate for the juvenile
17 to attend an alternative school and it is in the best interest of the
18 juvenile and not adverse to the interest of the local school
19 administrative unit for the juvenile to attend an alternative school.

20 If the juvenile is a child with special needs pursuant to Article 9 of
21 Chapter 115C of the General Statutes, request the child's local
22 educational agency to have the appropriateness of the child's
23 placement reconsidered in light of the judge's finding that the
24 juvenile's behavior makes it more appropriate for the juvenile to attend
25 an alternative school and it is in the best interest of the juvenile and not
26 adverse to the interest of the local school administrative unit for the
27 juvenile to attend an alternative school."

28 (i) G.S. 115C-366(b) reads as rewritten:

29 "(b) Each local board of education shall assign to a public school each student
30 qualified for assignment under this section. Except as otherwise provided by G.S. 7A-
31 648(4) or any other provision of law, the authority of each board of education in the
32 matter of assignment of children to the public schools shall be full and complete, and its
33 decision as to the assignment of any child to any school shall be final."

34 (j) G.S. 115C-391(e) reads as rewritten:

35 "(e) A decision of a local board under subsection (c) or (d) is final and, except as
36 provided in this subsection, is subject to judicial review in accordance with Article 4 of
37 Chapter 150B of the General Statutes. A person seeking judicial review shall file a
38 petition in the superior court of the county where the local board made its decision.

39 The decision may also be modified in accordance with G.S. 7A-648(4)."

40 (k) This section becomes effective July 1, 1994, and applies to offenses
41 committed on or after that date.

42
43 **PART 14. GENERAL ASSEMBLY**

1 Requested by: Senators Sherron and Daniel

2 **TASK FORCE ON OFFENDERS' DRUG AND ALCOHOL REHABILITATION**
3 **AND EDUCATION**

4 Sec. 39.1. (a) There is created the Task Force on Offenders' Drug and Alcohol
5 Rehabilitation and Education to study methods for providing alcohol and drug treatment
6 programs and educational programs to offenders. The Task Force shall be composed of
7 eight members:

8 (1) The Governor, who shall chair the Task Force;

9 (2) The Secretary of Correction;

10 (3) The Assistant Secretary of Correction for Substance Abuse;

11 (4) The Secretary of Human Resources;

12 (5) The Director of the Division of Mental Health, Developmental
13 Disabilities and Substance Abuse Services, Department of Human
14 Resources;

15 (6) The Chief of the Substance Abuse Services Section, Division of
16 Mental Health, Developmental Disabilities and Substance Abuse,
17 Department of Human Resources;

18 (7) The President of the North Carolina Community College System; and

19 (8) The Superintendent of Public Instruction.

20 (b) The Task Force on Offenders' Drug and Alcohol Rehabilitation and
21 Education shall:

22 (1) Develop a plan and a cost estimate for converting a number of prison
23 facilities into intensive drug and alcohol rehabilitation centers, for
24 identifying inmates with drug and alcohol problems, and for
25 mandating proven treatment procedures for those inmates;

26 (2) Develop a plan and a cost estimate for ensuring that persons sentenced
27 to prison for crimes involving drugs or for crimes in which alcohol or
28 drugs were a causative or contributing factor receive a full year of drug
29 rehabilitation as a part of their sentence. The plan shall provide for
30 intensive drug therapy and gradual reintegration into society as the
31 treatment progresses. The plan shall also provide for parole
32 conditioned upon total abstinence from alcohol and drugs, to be
33 enforced through strict testing, with violators returned to prison for the
34 full term of the original sentences.

35 (3) Develop a plan and a cost estimate for establishing an extension
36 program through either the Department of Community Colleges or the
37 Department of Public Instruction to provide a General Education
38 Development diploma (GED) to all offenders who have not obtained a
39 high school diploma or a GED. The plan shall include making
40 continued work towards a GED a condition of probation or parole
41 whenever necessary to ensure that the offender does obtain a GED.

42 The Task Force shall report its findings and recommendations to the General
43 Assembly by May 15, 1994.

44

1 Requested by: Senator Gulley

2 **JOINT DEPARTMENTAL STUDY OF LIFE IMPRISONMENT SENTENCE**

3 Sec. 40. The Department of Correction, the Department of Crime Control
4 and Public Safety, and the Department of Justice shall study the effect on the criminal
5 justice system of having the sentence of life imprisonment without parole for certain
6 criminal offenses and shall also consider whether the sentence of life imprisonment
7 without parole has served as a deterrent with regard to those crimes for which it may be
8 imposed, any other impact the sentence may have had on the crime rate generally, the
9 fiscal impact that the sentence has had on the State's finances, and the projected costs to
10 the State if the sentence continues to be imposed. The Department of Correction,
11 Department of Crime Control and Public Safety, and Department of Justice shall report
12 to the General Assembly, the Joint Legislative Commission on Governmental
13 Operations, and the appropriations committees in the House of Representatives and the
14 Senate by January 1, 2005, on their findings and recommendations regarding the
15 sentence of life imprisonment without parole.

16

17 Requested by: Senators Perdue and Martin of Guilford

18 **REPORT ON ANTICRIME INITIATIVES**

19 Sec. 41. Every agency of the State and every non-State agency or entity that
20 receives State funds appropriated in the Extra Session 1994 for implementing program
21 initiatives for reducing crime shall report to the Joint Legislative Corrections Oversight
22 Committee at its first meeting and quarterly thereafter. The report shall provide
23 information on the expenditure of the funds, program implementation progress, and
24 results to date. The purpose of these reports is to provide the General Assembly and the
25 citizens of this State with information on the progress and success of initiatives
26 developed to reduce crime in North Carolina's communities.

27

28 Requested by: Senator Lee

29 **STUDY OF PRISON ENTERPRISES AND PRISON CANTEEN FUNDS**

30 Sec. 42. The Fiscal Research Division of the Legislative Services Office, in
31 consultation with the Department of Correction, shall study the use of net profits from
32 Prison Enterprises and Prison Canteen funds. The Fiscal Research Division shall report
33 to the Joint Legislative Commission on Governmental Operations, the Chairs of the
34 Senate and House of Representatives appropriations committees, and the Chairs of the
35 Senate and House of Representatives appropriations subcommittees on Justice and
36 Public Safety. This report shall be made not later than May 1, 1994.

37

38 Requested by: Senators Cochrane, Perdue, and Martin of Guilford

39 **FAMILY WELFARE RESPONSIBILITY STUDY**

40 Sec. 43. The General Assembly may study the issue of whether long-term
41 crime prevention can be effected by providing incentives to families receiving Aid To
42 Families With Dependent Children to act responsibly in raising their children, while
43 recognizing that there are many families who now act responsibly in raising their
44 families.

1 The study shall consider:

- 2 (1) The feasibility of providing incentives;
- 3 (2) What type of incentives are appropriate;
- 4 (3) What standards should be used in determining the allocation of
5 incentives; and
- 6 (4) What penalties, if any, should be imposed for failing to comply with
7 the standards.

8 The General Assembly may direct that these issues be studied by any other
9 legislative study commission studying welfare reform.

10
11 Requested by: Senator Daniel

12 **STUDY BUNKING OF INMATES IN SHIFTS**

13 Sec. 44. The Fiscal Research Division of the Legislative Services Office, in
14 consultation with the Department of Correction, shall study the issue of bunking
15 inmates in shifts. The Fiscal Research Division shall report to the Joint Legislative
16 Commission on Governmental Operations, the Chairs of the Senate and House of
17 Representatives appropriations committees, and the Chairs of the Senate and House of
18 Representatives appropriations subcommittees on Justice and Public Safety. This report
19 shall be made not later than May 1, 1994.

20
21 Requested by: Senators Daniel, Carpenter, and Plexico

22 **STUDY NEED FOR ESTABLISHING FUND TO REWARD FOR** 23 **INFORMATION LEADING TO CONVICTION OF DRUG DEALERS/STUDY** 24 **FUNDING CRIME STOPPERS**

25 Sec. 45. (a) The Fiscal Research Division of the Legislative Services Office, in
26 consultation with the Department of Correction, shall study the need for a fund to
27 reward persons providing information leading to the arrest and conviction of drug
28 dealers. The Fiscal Research Division shall report to the Joint Legislative Commission
29 on Governmental Operations, the Chairs of the Senate and House of Representatives
30 appropriations committees, and the Chairs of the Senate and House of Representatives
31 appropriations subcommittees on Justice and Public Safety. This report shall be made
32 not later than May 1, 1994.

33 (b) The Fiscal Research Division of the Legislative Services Office, in
34 consultation with the Department of Crime Control and Public Safety, shall study the
35 need for providing funds to North Carolina Crime Stoppers to be used as seed money
36 for new crime stoppers programs and for providing funds for local crime stoppers
37 programs. The Fiscal Research Division shall report to the Joint Legislative
38 Commission on Governmental Operations, the Chairs of the Senate and House of
39 Representatives appropriations committees, and the Chairs of the Senate and House of
40 Representatives appropriations subcommittees on Justice and Public Safety. This report
41 shall be made not later than May 1, 1994.

42
43 Requested by: Senators Cochrane, Odom, and Cooper

44 **WELFARE REFORM STUDY**

1 Sec. 46. (a) There is created the Legislative Study Commission on Welfare
2 Reform. The Commission shall consist of 14 members as follows:

- 3 (1) Five Senators appointed by the President Pro Tempore of the Senate;
- 4 (2) Two persons appointed by the President Pro Tempore of the Senate
5 who are not members of the General Assembly;
- 6 (3) Five members of the House of Representatives appointed by the
7 Speaker of the House of Representatives; and
- 8 (4) Two persons appointed by the Speaker of the House of
9 Representatives who are not members of the General Assembly.

10 (b) The President Pro Tempore of the Senate shall designate one Senator as
11 cochair and the Speaker of the House of Representatives shall designate one
12 Representative as cochair.

13 (c) The Commission shall study the whole issue of the need for welfare reform in
14 light of the current social crisis caused, in part, by the rapidly increasing incidence of
15 violent crimes committed by people who have been raised by families who have been
16 receiving welfare but who have not been able to impart responsibility and maturity of
17 judgment and expectations to their children. This study shall include:

- 18 (1) A reexamination of the whole purpose of the welfare system and an
19 identification of those disincentives to raising responsible, independent
20 participants in society that are built into the system;
- 21 (2) An analysis of the federal welfare reform proposals and of other states'
22 initiatives; and
- 23 (3) A compilation and detailed examination, including detailed fiscal
24 analysis, of proposals to reform the welfare system totally, not just to
25 amend mere pieces of it.

26 (d) The Commission may submit an interim report to the General Assembly on or
27 before the first day of the 1994 Regular Session of the 1993 General Assembly and shall
28 submit a final report, including a complete proposal for welfare reform, to the 1995
29 General Assembly within one week of its convening, by filing the report with the
30 President Pro Tempore of the Senate and the Speaker of the House of Representatives.
31 Upon filing its final report, the Commission shall terminate.

32 (e) The Commission, while in the discharge of official duties, may exercise
33 all the powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1
34 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of
35 the cochairs. The Commission may meet in the Legislative Building or the Legislative
36 Office Building.

37 (f) Members of the Commission who are members of the General Assembly
38 shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.
39 Other members shall receive the amounts provided by Chapter 138 of the General
40 Statutes.

41 (g) The Commission may contract for professional, clerical, or consultant
42 services as provided by G.S. 120-32.02. The Legislative Services Commission, through
43 the Legislative Administrative Officer, shall assign professional staff to assist in the
44 work of the Commission. The House of Representatives' and the Senate's Supervisors

1 of Clerks shall assign clerical staff to the Commission or committee, upon the direction
2 of the Legislative Services Commission. The expenses relating to clerical employees
3 shall be borne by the Commission.

4 (h) When a vacancy occurs in the membership of the Commission, the
5 vacancy shall be filled by the same appointing officer who made the initial appointment.

6 (i) All State departments and agencies and local governments and their
7 subdivisions shall furnish the Commission with any information in their possession or
8 available to them.

9
10 Requested by: Senators Forrester, Ballance, and Soles

11 **LEGISLATIVE COMMISSION ON THE CAUSES OF CRIME IN NORTH**
12 **CAROLINA**

13 Sec. 47. (a) There is created the Legislative Commission on the Causes of
14 Crime in North Carolina to be composed of 15 members: six Senators to be appointed
15 by the President Pro Tempore of the Senate; six Representatives to be appointed by the
16 Speaker of the House of Representatives; the Secretary of the Department of Crime
17 Control and Public Safety; the Secretary of the Department of Human Resources; and
18 the Attorney General. The President Pro Tempore of the Senate and the Speaker of the
19 House of Representatives shall each designate a cochair from their appointees. The
20 Commission may meet at any time upon the joint call of the cochairs.

21 (b) The Commission shall:

- 22 (1) Review available information regarding the causes of crime in North
23 Carolina, including relevant criminological, behavioral, sociological,
24 and social sciences data, and other pertinent information on crime;
- 25 (2) Review the relationship between adolescent childbearing and criminal
26 behavior of adolescent parents and of children born to adolescent
27 parents;
- 28 (3) Conduct public hearings on the causes of crime in North Carolina;
- 29 (4) Review studies regarding the causes of crime conducted by public and
30 private entities of other jurisdictions; and
- 31 (5) Develop legislative recommendations calculated to address effectively
32 the root causes of crime in North Carolina.

33 (c) With the prior approval of the Legislative Services Commission, the
34 Legislative Administrative Officer shall assign professional and clerical staff to assist in
35 the work of the Commission. Clerical staff shall be furnished to the Commission
36 through the Offices of the House and Senate Supervisors of Clerks. The expenses of
37 employment of the clerical staff shall be borne by the Commission. The Commission
38 may contract for consultant services as provided by G.S. 120-32.02. With the prior
39 approval of the Legislative Services Commission, the Commission may hold its
40 meetings in the State Legislative Building or the Legislative Office Building.

41 (d) The Commission shall submit a final written report of its findings and
42 recommendations on or before the convening of the 1995 Session of the General
43 Assembly. The report shall be filed with the President Pro Tempore of the Senate and

1 the Speaker of the House of Representatives. Upon filing its final report, the
2 Commission shall terminate.

3 (e) Members of the Commission shall be paid per diem, subsistence, and
4 travel allowances as follows:

5 (1) Commission members who are members of the General Assembly, at
6 the rate established in G.S. 120-3.1; and

7 (2) Commission members who are officials or employees of the State, at
8 the rate established in G.S. 138-6.

9 (f) All State departments and agencies and local governments and their
10 subdivisions shall furnish the Commission and its staff with any information in their
11 possession or available to them.

12 (g) Vacancies on the Commission shall be filled as follows:

13 (1) For Commission members who are members of the General Assembly,
14 by the same appointing officer who made the initial appointment; and

15 (2) For Commission members who are public officials, with the official's
16 successor in office.

17 (h) This section becomes effective July 1, 1994.
18

19 Requested by: Senators Simpson, Odom, and Cooper

20 **JOINT LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE**

21 Sec. 48. (a) Chapter 120 of the General Statutes is amended by adding a new
22 Article to read:

23 **"ARTICLE 12J.**

24 **"JOINT LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE.**

25 **"§ 120-70.93. Creation and membership of Joint Legislative Corrections**
26 **Oversight Committee.**

27 The Joint Legislative Corrections Oversight Committee is established. The
28 Committee consists of 16 members as follows:

29 (1) Eight members of the Senate appointed by the President Pro Tempore
30 of the Senate, at least two of whom are members of the minority party;
31 and

32 (2) Eight members of the House of Representatives appointed by the
33 Speaker of the House of Representatives, at least three of whom are
34 members of the minority party.

35 Terms on the Committee are for two years and begin on the convening of the
36 General Assembly in each odd-numbered year, except the terms of the initial members,
37 which begin on appointment and end on the day of the convening of the 1995 General
38 Assembly. Members may complete a term of service on the Committee even if they do
39 not seek reelection or are not reelected to the General Assembly, but resignation or
40 removal from service in the General Assembly constitutes resignation or removal from
41 service on the Committee.

42 A member continues to serve until his successor is appointed. A vacancy shall be
43 filled within 30 days by the officer who made the original appointment.

44 **"§ 120-70.94. Purpose and powers of Committee.**

1 (a) The Joint Legislative Corrections Oversight Committee shall examine, on a
2 continuing basis, the correctional system in North Carolina, in order to make ongoing
3 recommendations to the General Assembly on ways to improve the correctional system
4 and to assist that system in realizing its objectives of protecting the public and of
5 punishing and rehabilitating offenders. In this examination, the Committee shall:

6 (1) Study the budget, programs, and policies of the Department of
7 Correction, to determine ways in which the General Assembly may
8 improve the effectiveness of that Department;

9 (2) Examine the effectiveness of the Department of Correction in
10 implementing the public policy stated in G.S. 148-26 of providing
11 work assignments and employment for inmates as a means of reducing
12 the cost of maintaining the inmate population while enabling inmates
13 to acquire or retain skills and work habits needed to secure honest
14 employment after their release; and

15 (3) Study any other corrections matters that the Committee considers
16 necessary.

17 (b) The Committee may make interim reports to the General Assembly on
18 matters for which it may report to a regular session of the General Assembly. A report
19 to the General Assembly may contain any legislation needed to implement a
20 recommendation of the Committee.

21 **"§ 120-70.95. Organization of Committee.**

22 (a) The President Pro Tempore of the Senate and the Speaker of the House of
23 Representatives shall each designate a cochair of the Joint Legislative Corrections
24 Oversight Committee. The Committee shall meet at least once a quarter and may meet
25 at other times upon the joint call of the cochairs.

26 (b) A quorum of the Committee is nine members. No action may be taken except
27 by a majority vote at a meeting at which a quorum is present. While in the discharge of
28 its official duties, the Committee has the powers of a joint committee under G.S. 120-19
29 and G.S. 120-19.1 through G.S. 120-19.4.

30 (c) Members of the Committee receive subsistence and travel expenses as
31 provided in G.S. 120-3.1. The Committee may contract for consultants or hire
32 employees in accordance with G.S. 120-32.02. The Legislative Services Commission,
33 through the Legislative Administrative Officer, shall assign professional staff to assist
34 the Committee in its work. Upon the direction of the Legislative Services Commission,
35 the Supervisors of Clerks of the Senate and of the House of Representatives shall assign
36 clerical staff to the Committee. The expenses for clerical employees shall be borne by
37 the Committee."

38 (b) This section becomes effective July 1, 1994.

39
40 Requested by: Senator Odom

41 **LRC FARM CAMP STUDY**

42 Sec. 49. The Legislative Research Commission may study the feasibility of
43 establishing a Farm Camp Program for troubled youth. For purposes of this study, the
44 term "troubled youth" means: (i) juvenile delinquents who would otherwise be

1 committed to training schools, and (ii) adult criminals under the age of 21 years who are
2 guilty of nonviolent felony offenses. The Department of Correction, the Department of
3 Human Resources, the Division of Youth Services, and the Administrative Office of the
4 Courts shall cooperate in the study. The study may include:

- 5 (1) An analysis of similar work and community service programs
6 established for troubled youth in this State and other states, which
7 analysis shall include data on the recidivism rate of the troubled youth
8 participating in the programs, the effects of the programs on the farm
9 communities in which the youth are working, and the success rate of
10 incorporating the youth in the work force after they leave the
11 programs;
- 12 (2) A review of academic and professional studies regarding the effects of
13 community involvement and participation on youth, including an
14 examination of the beneficial effects of providing troubled youth with
15 the opportunity to develop work skills, to become productive citizens,
16 and to develop self-confidence, independence, and self-esteem;
- 17 (3) An analysis of whether the Farm Camp Program will reduce the
18 populations of the State prisons and training schools and any other
19 anticipated effects it will have on the Department of Correction, the
20 Department of Human Resources, and the Division of Youth Services;
- 21 (4) A review of information from the North Carolina Farm Bureau
22 Federation, Inc.;
- 23 (5) An examination of the federal and State laws that affect troubled
24 youth; and
- 25 (6) A fiscal analysis of the costs of establishing and operating a Farm
26 Camp Program for a five to 10-year period.

27
28 Requested by: Senators Kincaid and Soles

29 **COURTS COMMISSION STUDY MAGISTRATES INFRACTIONS/LEVEL I**
30 **MISDEMEANORS**

31 Sec. 49.1. The North Carolina Courts Commission shall study whether to:

- 32 (1) Expand the jurisdiction of magistrates to allow them to dispose of
33 infractions;
- 34 (2) Facilitate the procedure for disposing of infractions; and
- 35 (3) Allow magistrates to dispose of all Level I misdemeanors according to
36 plea agreements between the State and defendants.

37 The North Carolina Courts Commission shall make an interim report to the
38 1993 General Assembly, Regular Session 1994, no later than May 15, 1994, and shall
39 make a final report to the 1995 Regular Session of the General Assembly no later than
40 its convening.

41
42 Requested by: Senators Kincaid and Soles

1 **COURTS COMMISSION STUDY CONCURRENT JURISDICTION BETWEEN**
2 **THE DISTRICT AND SUPERIOR COURTS FOR DISPOSITION OF CERTAIN**
3 **FELONIES**

4 Sec. 49.2. The North Carolina Courts Commission shall study whether to
5 provide concurrent jurisdiction between the district and superior courts for the
6 disposition of certain felonies.

7 The North Carolina Courts Commission shall make an interim report to the
8 1993 General Assembly, Regular Session 1994, no later than May 15, 1994, and shall
9 make a final report to the 1995 Regular Session of the General Assembly no later than
10 its convening.

11
12 **PART 15. TECHNICAL CHANGES**

13
14 Requested by: Senators Daniel and Plyler

15 **CORRECT OMISSION IN CHAPTER 561**

16 Sec. 50. Chapter 561 of the 1993 Session Laws is amended by adding the
17 following new section to read:

18 "MOST TEXT APPLIES ONLY TO 1993-95 BIENNIUM

19 Sec. 23.1. Except for statutory changes or other provisions that clearly
20 indicate an intention to have effects beyond the 1993-95 biennium, the textual
21 provisions of this act shall apply only to funds appropriated for and activities occurring
22 during the 1993-95 biennium."

23
24 Requested by: Senator Plyler

25 **EXTEND REPORTING DATE OF BUDGET PRACTICES STUDY**
26 **COMMISSION**

27 Sec. 51. Sec. 22(f) of Chapter 321 of the 1993 Session Laws reads as
28 rewritten:

29 "(f) The Budget Practices Study Commission shall report its findings and
30 recommendations to the ~~1993 General Assembly, 1994 Regular Session.~~ 1995 General
31 Assembly upon its convening."

32
33 **PART 16. CAPITAL IMPROVEMENT PROVISIONS**

34
35 Requested by: Senators Daniel, Plyler, and Kaplan

36 **RESERVE FOR ADVANCE PLANNING**

37 Sec. 52. The Office of State Budget and Management shall report to the Joint
38 Legislative Commission on Governmental Operations and to the Fiscal Research
39 Division on how it intends to spend funds from the Reserve for Advance Planning at
40 least 45 days before it spends the funds.

41 The Office of State Budget and Management shall also report the results of
42 any project on which it uses funds from the Reserve for Advance Planning to the Joint
43 Legislative Commission on Governmental Operations and to the Fiscal Research
44 Division.

1

2 Requested by: Senators Daniel, Plyler, and Kaplan

3 **ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

4 Sec. 53. When each capital improvement project appropriated by the 1994
5 Extra Session of the General Assembly, other than those projects under the Board of
6 Governors of The University of North Carolina, is placed under construction contract,
7 direct appropriations shall be encumbered to include all costs for construction, design,
8 investigation, administration, movable equipment, and a reasonable contingency.
9 Unencumbered direct appropriations remaining in the project budget shall be placed in a
10 project reserve fund credited to the Office of State Budget and Management. Funds in
11 the project reserve may be used for emergency repair and renovation projects at State
12 facilities with the approval of the Director of the Budget. The project reserve fund may
13 be used, at the discretion of the Director of the Budget, to allow for award of contracts
14 where bids exceed appropriated funds, if those projects supplemented were designed
15 within the scope intended by the applicable appropriation or any authorized change in it,
16 and if, in the opinion of the Director of the Budget, all means to award contracts within
17 the appropriation were reasonably attempted. At the discretion of the Director of the
18 Budget, any balances in the project reserve fund shall revert to the original source.

19

20 Requested by: Senators Daniel, Plyler, and Kaplan

21 **PROJECT COST INCREASE**

22 Sec. 54. Upon the request of the administration of a State department or
23 institution, the Director of the Budget may, when in the Director's opinion it is in the
24 best interest of the State to do so, increase the cost of a capital improvement project.
25 Provided, however, that if the Director of the Budget increases the cost of a project, the
26 Director shall report that action to the Joint Legislative Commission on Governmental
27 Operations at its next meeting. The increase may be funded from gifts, federal or
28 private grants, special fund receipts, excess patient receipts above those budgeted at
29 University of North Carolina Hospitals at Chapel Hill, or direct capital improvement
30 appropriations to that department or institution.

31

32 Requested by: Senators Daniel, Plyler, and Kaplan

33 **NEW PROJECT AUTHORIZATION**

34 Sec. 55. Upon the request of the administration of any State department or
35 institution, the Governor may authorize the construction of a capital improvement
36 project not specifically authorized by the General Assembly if such project is to be
37 funded by gifts, federal or private grants, special fund receipts, excess patient receipts
38 above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-
39 liquidating indebtedness. Provided, however, that if the Director of the Budget
40 authorizes the construction of such a capital improvement project, the Director shall
41 report that action to the Joint Legislative Commission on Governmental Operations at
42 its next meeting.

43

44 Requested by: Senators Daniel, Plyler, and Kaplan

1 ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

2 Sec. 56. Funds which become available by gifts, excess patient receipts
3 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal
4 or private grants, receipts becoming a part of special funds by act of the General
5 Assembly, or any other funds available to a State department or institution may be
6 utilized for advance planning through the working-drawing phase of capital
7 improvement projects, upon approval of the Director of the Budget. The Director of the
8 Budget may make allocations from the Advance Planning Fund for advance planning
9 through the working-drawing phase of capital improvement projects, except that this
10 revolving fund may not be utilized by the Board of Governors of The University of
11 North Carolina or the State Board of Community Colleges.

12
13 Requested by: Senators Daniel, Plyler, and Kaplan

14 APPROPRIATIONS LIMITS/REVERSION OR LAPSE

15 Sec. 57. Except as permitted in previous sections of this act, the
16 appropriations for capital improvements made by the 1994 Extra Session of the General
17 Assembly may be expended only for specific projects set out by the 1994 Extra Session
18 of the General Assembly and for no other purpose. Construction of all capital
19 improvement projects enumerated by the 1994 Extra Session of the General Assembly
20 shall be commenced, or self-liquidating indebtedness with respect to them shall be
21 incurred no later than the end of the 1993-95 biennium. If construction contracts on
22 those projects have not been awarded or self-liquidating indebtedness has not been
23 incurred within that period, the direct appropriation for those projects shall revert to the
24 original source, and the self-liquidating appropriation shall lapse; except that direct
25 appropriations may be placed in a reserve fund as authorized in this act. This deadline
26 with respect to both direct and self-liquidating appropriations may be extended with the
27 approval of the Director of the Budget up to an additional 12 months if circumstances
28 and conditions warrant such extension.

29
30 Requested by: Senators Daniel and Plyler

31 CONSTRUCTION FUND LIMITATIONS

32 Sec. 58. (a) With respect to funds appropriated in this act for construction of
33 additional prison beds at Piedmont, Lumberton, Pender, Wayne, and Brown Creek, the
34 Director of the Budget may increase or decrease the amount allocated to a particular
35 institution within the aggregate amount of construction funds available.

36 (b) The Office of State Construction of the Department of Administration may
37 contract for and supervise all aspects of administration, technical assistance, design,
38 construction, or demolition of facilities in order to implement the providing of facilities
39 under the provisions of this act.

40 The facilities authorized under this act shall be constructed in accordance
41 with the provisions of general law applicable to the construction of State facilities.
42 With respect to funds appropriated to the Department of Administration for capital
43 improvements and to the Department of Human Resources for construction of a 24-bed
44 detention center, if the Secretary of Administration, after consultation with the Secretary

1 of Correction, or with the Secretary of Human Resources, as applicable, finds that the
2 delivery of facilities must be expedited for good cause, the Office of State Construction
3 of the Department of Administration shall be exempt from the following statutes and
4 rules implementing those statutes, to the extent necessary to expedite delivery: G.S.
5 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134, 113A-1 through 113A-10,
6 113A-50 through 113A-66, 133-1.1(g), and 143-408.1 through 143-408.7.

7 Prior to exercising the exemptions allowable under this section, the Secretary
8 of Administration shall give reasonable notice in writing of the Department's intent to
9 exercise the exemptions to the Speaker of the House of Representatives, the President
10 Pro Tempore of the Senate, the Chairs of the House and Senate Appropriations
11 Committees, the Chairs of the House and Senate Appropriations Subcommittees on
12 Justice and Public Safety, and the Fiscal Research Division. The written notice shall
13 contain at least the following information: (i) the specific statutory requirement or
14 requirements from which the Department intends to exempt itself; (ii) the reason the
15 exemption is necessary to expedite delivery of facilities; (iii) the way in which the
16 Department anticipates the exemption will expedite the delivery of facilities; and (iv) a
17 brief summary of the proposed contract for the project which is to be exempted.

18 The Office of State Construction of the Department of Administration shall
19 have a verifiable ten percent (10%) goal for participation by minority- and women-
20 owned businesses. All contracts for the design, construction, or demolition of facilities
21 shall include a penalty for failure to complete the work by a specified date.

22 The Office of State Construction of the Department of Administration shall
23 involve the Department of Correction or the Department of Human Resources, as
24 applicable, in all aspects of the projects to the extent that such involvement relates to the
25 appropriate Department's program needs and to its responsibility for the care of the
26 prison or juvenile population.

27 (c) The Office of State Construction of the Department of Administration
28 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
29 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
30 the House of Representatives, the Joint Legislative Commission on Governmental
31 Operations, and the Fiscal Research Division as to any changes in projects and
32 allocations made under this act. The report shall include any changes in the projects and
33 allocations made pursuant to this act, information on which contractors have been
34 selected, what contracts have been entered into, the projected and actual occupancy
35 dates of facilities contracted for, the number of beds to be constructed on each project,
36 the location of each project, and the projected and actual cost of each project.

37 The Department of Insurance and the Department of Correction shall report
38 quarterly to the Joint Legislative Commission on Governmental Operations on their
39 involvement in the construction program.

41 **PART 17. MISCELLANEOUS PROVISIONS**

43 Requested by: Senators Daniel and Plyler

44 **EFFECT OF HEADINGS**

1 Sec. 59. The headings to the Parts and sections of this act are a convenience
2 to the reader and are for reference only. The headings do not expand, limit, or define
3 the text of this act.

4
5 Requested by: Senators Daniel and Plyler

6 **EFFECT OF REFERENCE TO INTRODUCED BILL**

7 Sec. 60. Parenthetical references to introduced bills, by bill number, are
8 included as a convenience to the reader and are for information only. These references
9 do not expand, limit, or define the text of this act.

10
11 Requested by: Senators Daniel and Plyler

12 **EXECUTIVE BUDGET ACT REFERENCE**

13 Sec. 61. The provisions of the Executive Budget Act, Chapter 143, Article 1
14 of the General Statutes, are reenacted and shall remain in full force and effect and are
15 incorporated in this act by reference.

16
17 Requested by: Senators Daniel and Plyler

18 **MOST TEXT APPLIES ONLY TO 1993-95 BIENNIUM**

19 Sec. 62. Except for statutory changes or other provisions that clearly indicate
20 an intention to have effects beyond the 1993-95 biennium, the textual provisions of this
21 act shall apply only to funds appropriated for and activities occurring during the 1993-
22 95 biennium.

23
24 Requested by: Senators Daniel and Plyler

25 **SEVERABILITY CLAUSE**

26 Sec. 63. If any section or provision of this act is declared unconstitutional or
27 invalid by the courts, it does not affect the validity of the act as a whole or any part
28 other than the part so declared to be unconstitutional or invalid.

29
30 Requested by: Senators Daniel and Plyler

31 **1993-94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

32 Sec. 64. Except where expressly repealed or amended by this act, the
33 provisions of Chapters 321 and 561 of the 1993 Session Laws remain in effect. Section
34 9 of Chapter 321 of the 1993 Session Laws does not apply to this act.

35
36 Requested by: Senators Daniel and Plyler

37 **EFFECTIVE DATE**

38 Sec. 65. Except as otherwise provided, this act is effective upon ratification.