

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

CHAPTER 24
SENATE BILL 150

AN ACT TO ADJUST THE APPROPRIATIONS MADE FOR THE 1993-94 FISCAL YEAR AND THE 1994-95 FISCAL YEAR TO AID IN THE CONTROL AND PREVENTION OF CRIME.

The General Assembly of North Carolina enacts:

PART 1. INTRODUCTION

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

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

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

PART 2. TITLE OF ACT

Sec. 3. This act shall be known as the Crime Control and Prevention Act of 1994.

PART 3. GENERAL FUND APPROPRIATIONS

CURRENT OPERATIONS/GENERAL FUND

Sec. 4. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, for one-time expenditures, and for other purposes as enumerated are made for the biennium ending June 30, 1995, according to the schedule that follows:

<u>Current Operations - General Fund</u>	<u>1993-94</u>	<u>1994-95</u>
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General Assembly

01. Create the Joint Legislative Corrections Oversight Committee	\$ -	\$ 25,000	NR
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02.	Create the Legislative Study Commission on Farm Camp Programs	25,000	NR	-	
03.	Create a Legislative Study on Welfare Reform	<u>20,000</u>	NR	<u>40,000</u>	NR
Total General Assembly		45,000		65,000	

Judicial Department

01.	Structured Sentencing Act effective October 1, 1994–				
a.	Community Penalties (5 positions and grants) (Hire 8/1/94)			1,788,253 44,622	NR
b.	Legal and administrative costs (40 positions) (Hire 8/1/94)	-		1,559,958 768,425	NR
02.	Provide access to the Police Information Network (PIN) to district attorneys throughout the State	30,000	NR	-	
03.	Reserve for court/drug treatment program	-		800,000	
04.	Reserve for "Teen Court" programs	<u>-</u>		<u>75,000</u>	
Total Judicial Department		30,000		5,036,258	

Office of the Governor

Office of State Budget and Management					
01.	Reserve for study and development of a statewide Criminal Justice Information Network (CJIN)	<u>100,000</u>	NR	<u>930,000</u>	NR
Total Office of the Governor		100,000		930,000	

Public Education

State Aid to Local School Administrative Units					
01.	Low Wealth School Systems' Supplemental Funding, in accordance with Section 138 of Chapter 321 of the 1993 Session Laws	-		10,000,000	
02.	Local Programs to Assist Children at Risk of School Failure	-		18,237,120	

03.	Intervention/Prevention Grant Program	-	<u>12,000,000</u>	
	Total Public Education	-	40,237,120	

Department of Justice

01.	Establish five new positions to be assigned to the Department of Correction—Attorney I, Attorney II, (2) Paralegal II, and Administrative Assistant III	-	202,628	
		-	22,580	NR
02.	Upgrade Automated Fingerprint Identification System (AFIS)	-	397,692	
		-	<u>3,074,000</u>	NR
	Total Department of Justice	-	3,696,900	

Department of Human Resources

DHR - Secretary				
01.	Family Resource Center Grant Program	-	\$180,000	
	administrative costs	-	2,055,000	
02.	Grants to "Support Our Students"(S.O.S.) Pilot Projects	-	5,000,000	
03.	Conduct a comprehensive study of the Division of Youth Services' Juvenile Justice System		150,000	NR
04.	Expand Family Preservation Services Program	-	<u>500,000</u>	
	Subtotal DHR - Secretary	150,000	7,555,000	

Division of Mental Health, Developmental
Disabilities, and Substance Abuse Services

01.	Expand the Student Services Program of the N.C. High School Athletic Association - Coach Mentor Training	-	534,000	
02.	Structured Sentencing Act effective October 1, 1994— To provide substance abuse treatment services to offenders under the Treatment Alternatives to Street Crime (TASC) Program	-	<u>1,359,380</u>	

Subtotal - Mental Health	-	1,893,380	
Division of Youth Services			
01. Operating funds for two additional Wilderness Camps	-	2,566,000	
02. Expand the Governor's One-on-One Program and increase the funding for each program	-	1,150,000	
03. Staff to operate 147 additional beds in existing training schools including a special education teacher and guidance counselor at each school	-	7,279,419	
04. Establish Alternatives to Detention Program in selected district court judicial districts	125,000	500,000	
05. Outcome-Based Enhancement of the Community-Based Alternatives Program	-	5,000,000	
Subtotal - Youth Services	<u>125,000</u>	<u>16,495,419</u>	
Total Department of Human Resources	275,000	25,943,799	

Department of Correction

01. Structured Sentencing Act effective October 1, 1994-			
a. Adult Probation and Parole (514 positions) (Hire 8/1/94 and 3/1/95)	-	14,014,808	
	-	3,088,210	NR
b. Administrative Costs for Adult Probation and Parole - (10 positions) (Hire 8/1/94 and 12/1/94)	-	253,770	
	-	76,818	NR
c. Administrative Costs for Central Administration Office - (22 positions) (Hire 8/1/94 and 12/1/94)	-	1,121,363	
	-	184,519	NR
d. Computer Software	-	2,200,000	NR
02. Operating costs for 208 additional beds at Piedmont, Lumberton, Pender, Wayne, and Brown Creek for a total of 1040 additional beds	-	13,466,330	
	-	2,033,670	NR
03. To lease jail space from			

	local governments	-	8,358,000	
04.	To provide for out-of-state housing of inmates	-	24,972,000	
05.	Reserve to allow for contracting of 500 beds in private alcohol and drug treatment centers	-	5,156,740	
		-	16,260	NR
06.	Use existing space more efficiently in order to house 500 additional inmates	-	1,639,500	
07.	Operating costs for a new Drug and Alcohol Recovery Treatment (DART) Center	-	1,007,436	
		-	192,564	NR
08.	Establish a Substance Abuse Program in each of five prisons located near urban areas throughout the State	-	1,225,345	
		320,000	NR	
09.	Reserve for the operation of a new 90-bed boot camp facility for youthful offenders	-	1,124,373	
			392,293	NR
10.	Provide a post-boot camp program for up to 180 probationers	-	452,619	
11.	Additional operating funds to bring on line the new facilities constructed with \$87.5 million prison bonds	-	18,991,090	
		-	8,235,572	NR
12.	Operating costs for new facilities coming on line— Eastern Processing Center, Marion Close Custody Addition, and consolidation of five units	-	546,720	
		-	125,932	NR
13.	Reserve for establishment of pilot programs for treatment of parolees and probationers with substance abuse problems	-	583,000	
14.	Greater After Prison Support Program - a community-based			

	pre-release and aftercare program for prison inmates	-	85,000	
15.	Criminal Justice Partnership Act effective April 1, 1995–			
	a. Grants	-	3,000,000	
	b. Administration	-	146,300	
		-	<u>103,700</u>	NR
	Total Department of Correction	-	113,113,932	

Department of Crime Control and Public Safety

01.	Structured Sentencing Act effective October 1, 1994– Community Services (6 positions)	-	168,000	
			12,000	NR
02.	Victims Assistance Network	-	150,000	
03.	Additional Funds to the Crime Victims Compensation Fund	-	800,000	
		—	<u>3,000,000</u>	NR
	Total Department of Crime Control and Public Safety	-	4,130,000	

GRAND TOTAL CURRENT OPERATIONS -

GENERAL FUND - RECURRING	125,000	168,266,844
NONRECURRING	<u>325,000</u>	<u>24,886,165</u>
TOTAL	\$ 450,000	\$193,153,009

PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND

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

<u>Capital Improvements - General Fund</u>	<u>1993-94</u>	<u>1994-95</u>
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Department of Administration

01.	Construct 208 additional beds at Piedmont, Lumberton, Pender, Wayne, and Brown Creek for a total of 1040 additional prison beds	\$ 21,483,914	\$ -
02.	Construct Eastern Processing Center. Due to subsurface soil conditions and wetlands that were unknown at time of original project cost estimate, may need up to \$3.0 million		

	more to complete site development for this unit	-	21,006,000
03.	Construct an addition at Marion Close Custody Unit	-	5,358,900
04.	Consolidation of five prison units (GPAC Recommendations)	-	10,260,500
05.	Construction costs of a new Drug and Alcohol Recovery Treatment (DART) Center	1,425,000	-
06.	To construct new 90-bed boot camp facility for youthful offenders	<u>1,100,000</u>	<u>-</u>
Total Department of Administration		24,008,914	36,625,400

Department of Human Resources

01.	To support construction of two additional Wilderness Camps	750,000	-
02.	Reserve for construction of one 24-bed Detention Center	<u>1,600,000</u>	<u>-</u>
Total Department of Human Resources		2,350,000	-

GRAND TOTAL CAPITAL IMPROVEMENTS -
GENERAL FUND \$ 26,358,914 \$36,625,400

PART 5. PROCEDURES FOR DISBURSEMENTS

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

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

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

PART 6. GENERAL PROVISIONS

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
**SPECIAL FUNDS, FEDERAL FUNDS, AND DEPARTMENTAL
RECEIPTS/AUTHORIZATION FOR EXPENDITURES**

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

- (1) As provided in G.S. 116-30.1, 116-30.2, 116-30.3, 116-30.4, or 143-27; or
- (2) If the Director of the Budget finds that the new permanent employee positions are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund. The Director of the Budget shall notify the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the chairmen of the appropriations committees of the Senate and the House of Representatives, and the Fiscal Research Division of the Legislative Services Office that he intends to make such a finding at least 10 days before he makes the finding. The notification shall set out the reason the positions are necessary to maintain the function.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter

the General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund.

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

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

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

BUDGETING OF PILOT PROGRAMS

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

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

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

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

LIMITATIONS ON DEPARTMENTAL USE OF APPROPRIATIONS

Sec. 9. (a) Effective on ratification of this act, G.S. 143-23(a1) reads as rewritten:

"(a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

- (1) In a purpose or program for which funds were appropriated for that fiscal period and the total amount spent for the purpose or program is no more than was appropriated for the purpose or program for the fiscal period;
- (2) Required to continue a purpose or program because of unforeseen events, so long as the scope of the purpose or program is not increased;
- (3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
- (4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
- (5) Required to call out the National Guard.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office the reason if the amount expended for a purpose or program is more than the amount appropriated for it from all sources. If the overexpenditure was authorized under subdivision (2) of this subsection, the Director of the Budget shall identify in the report the unforeseen event that required the overexpenditure.

(a2) Funds appropriated for salaries and wages are also subject to the limitation that they may only be used for ~~(i) salaries for:~~

- (1) Salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, ~~contracted personal services, moving expenses, expenses of employees,~~ payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments; ~~or (ii) uses~~
- (2) Contracted personal services if (i) the contract is for temporary services or special project services, (ii) the term of the contract does not extend beyond the fiscal year, and (iii) the contract does not impose obligations on the State after the end of the fiscal year; and
- (3) Uses for which ~~over expenditures~~ overexpenditures are permitted by subdivisions (3), (4), and (5) of this subsection (a1) of this section but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

Lapsed salary funds that become available from vacant positions are also subject to the limitation that they may not be used for new permanent employee positions or to raise the salary of existing employees.

(a3) The requirements in this section that the Director of the Budget report to the Joint Legislative Commission on Governmental Operations shall not apply to expenditures of receipts by entities that are wholly receipt supported, except for entities supported by the Wildlife Resources Fund."

(b) Effective July 1, 1994, G.S. 143-23(a1), as rewritten by subsection (a) of this section, reads as rewritten:

"(a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

- (1) In a purpose or program for which funds were appropriated for that fiscal period and the total amount spent for the purpose or program is no more than was appropriated for the purpose or program for the fiscal period;
- (2) Required to continue a purpose or program because of unforeseen events, so long as the scope of the purpose or program is not increased;

- (3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
- (4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
- (5) Required to call out the National Guard.

If the total of all overexpenditures of a line item approved by the Director of the Budget for a fiscal year for the purposes set out in subdivisions (1) and (2) of this subsection exceeds ten percent (10%) of the line item amount in the budget enacted by the General Assembly, the Director of the Budget shall report monthly to the Joint Legislative Commission on Governmental Operations. The report shall include the reasons that make overexpenditures necessary and any unforeseen events necessitating overexpenditures that occurred after the budget was enacted by the General Assembly.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office the reason if the amount expended for a purpose or program is more than the amount appropriated for it from all sources. If the overexpenditure was authorized under subdivision (2) of this subsection, the Director of the Budget shall identify in the report the unforeseen event that required the overexpenditure."

(c) Effective July 1, 1994, G.S. 143-23(a2), as enacted by subsection (a) of this section, reads as rewritten:

"(a2) Funds appropriated for salaries and wages are also subject to the limitation that they may only be used for:

- (1) Salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, moving expenses of employees, payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments;
- (2) Contracted personal services if (i) the contract is for temporary services or special project services, (ii) the term of the contract does not extend beyond the fiscal year, ~~and~~ (iii) the contract does not impose obligations on the State after the end of the fiscal year; and (iv) the total of all overexpenditures for contracted personal services approved in a program for a fiscal year does not exceed the greater of five hundred thousand dollars (\$500,000) or ten percent (10%) of the lapsed salary funds in the program for the fiscal year; and
- (3) Uses for which overexpenditures are permitted by subdivisions (3), (4), and (5) of subsection (a1) of this section but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

Lapsed salary funds that become available from vacant positions are also subject to the limitation that they may not be used for new permanent employee positions or to raise the salary of existing employees."

(d) Effective from the ratification of this act through June 30, 1994, subsection (a) of this section does not apply to contracts entered into by the Department of Correction for the confinement of prisoners in non-State facilities.

(e) The Director of the Budget shall either realign the line items in the proposed supplemental budget for the 1994-95 fiscal year so as to minimize overexpenditures of funds pursuant to G.S. 143-23 or include with the proposed supplemental budget for the 1994-95 fiscal year a statement identifying the line items that have been consistently overexpended pursuant to G.S. 143-23 over the prior two fiscal bienniums.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

EXPENDITURES OF FUNDS IN RESERVES LIMITED

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

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

STATE MONEY RECIPIENTS/CONFLICT OF INTEREST POLICY

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

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

BUDGET REFORM STATEMENT

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

	<u>1993-94</u>	<u>1994-95</u>	
		<u>Recurring</u>	<u>Nonrecurring</u>
AVAILABILITY:			
Estimated Remaining Balance			
from 1993-94	\$ -	\$ -	\$178.6
Unappropriated Balance from			
the 1993 Session	4.7	209.6	-
Revenue Forecast Increase	156.0	160.0	-
Disproportionate Share			
Receipts - - - - <u>94.0</u>			
Total Availability	\$160.7	\$369.6	\$272.6

Appropriation Increases:			
Current Operations	.5	168.3	24.9
Capitol Improvements	<u>26.4</u>	<u>-</u>	<u>36.6</u>
TOTAL APPROPRIATIONS	\$ 26.9	\$168.3	\$61.5
Unobligated Availability	133.8		
1993-94 Estimated Reversions	<u>184.4</u>	-	-
Total Credit Balance	\$318.2		
Earmarking:			
Savings Reserve	79.6		
Repairs and Renovations Reserve	<u>60.0</u>		
Total Earmarking	\$139.6		
Estimated Remaining Balance	\$178.6	\$201.3	\$211.1

Estimate of Disproportionate Share Receipts to be deposited as a nontax revenue and reserved by the State Controller:

1993-94	\$114.2
1993-94 Estimated Overcollections	<u>85.0</u>
TOTAL	\$199.2

(b) The 1994-95 Unappropriated Balance of \$209.6 million from the 1993 Session stated in subsection (a) of this section is included in Total Availability as stated in Section 8 of Chapter 561 of the 1993 Session Laws. All other amounts in subsection (a) are increases in that Total Availability.

PART 7. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Senators Daniel, Plyler, Odom, Ballance, Representatives Nesbitt, Diamont, Gist, Holt

CRIMINAL JUSTICE INFORMATION NETWORK

Sec. 13. (a) Of the funds appropriated in this act to the Office of State Budget and Management, the sum of one hundred thousand dollars (\$100,000) for the 1993-94 fiscal year shall be used to study the development of a Criminal Justice Information Network that links together data in existing databases and networks. Any of these funds unexpended at the end of the 1993-94 fiscal year shall not revert but shall remain available to complete this study. Of the funds appropriated in this act to the Office of State Budget and Management for the 1994-95 fiscal year the sum of nine hundred thirty thousand dollars (\$930,000) shall be placed in a reserve, to be allocated as prescribed by the 1993 General Assembly, Regular Session 1994. This study shall include:

- (1) An assessment of the functionality of information currently used by the General Court of Justice, State and local law enforcement agencies, correction agencies, and State departments or agencies related to the criminal justice system and the juvenile justice system, and an evaluation of the need for systems integration or system enhancements, in particular the need for a comprehensive DWI database and for systems integration of the Department of Correction's Offender Management Information System;
- (2) A determination of the technical feasibility of incorporating all or portions of currently existing information systems and all or portions of new information systems into a comprehensive statewide Criminal Justice Information Network (CJIN);
- (3) An evaluation of feasible CJIN designs at no fewer than three alternative levels of costs (both capital and future operating), and a clear description of the benefits and costs associated with each level;
- (4) An estimation of a development and implementation schedule for each level of costs, showing milestones to be achieved during each phase of the schedule, costs to be incurred during each phase, and any benefits and savings expected at intermediate stages of CJIN development and implementation;
- (5) An evaluation of alternative structures for CJIN management, including accountability for CJIN operations, criteria for membership or participation, procedures to prevent inappropriate or illegal access, and steps to assure data quality and accuracy;
- (6) Recommendations of measures for savings, efficiency, and effectiveness that will enable the General Assembly to gauge CJIN performance;
- (7) Assurances that the integrated CJIN shall be consistent and compatible with a comprehensive telecommunications plan as approved by the Information Resource Management Commission; and
- (8) A plan for a statewide integrated law enforcement communications system and a study of the costs of making that system available to local governments.

(b) There is created within the Office of State Budget and Management a Criminal Justice Information Network study committee to conduct the study required under this section. The study committee shall be appointed by the Governor in consultation with the Lieutenant Governor, the Attorney General, and the Chief Justice of the North Carolina Supreme Court. The Governor shall appoint no more than nine members to the study committee, and shall make the appointments based upon the appointees' knowledge, expertise, and responsibility within the criminal justice system, the juvenile justice system, and related areas. All State and local government agencies shall cooperate fully with the study committee. The study committee shall provide a monthly report on its progress (i) to the Chairs of the Senate and House Appropriations Committees, (ii) to the Chairs of the Senate and House Justice and Public Safety

Appropriations Subcommittees, and (iii) to the Information Resources Management Commission established by G.S. 143B-426.21 at the regularly scheduled meetings of the Commission. The study committee shall report its final findings and recommendations to the General Assembly on or before February 1, 1995, and shall make an interim report by May 15, 1994.

PART 8. ADVANCE STRUCTURED SENTENCING

Requested by: Representatives Barnes, Nesbitt, Diamont, Gist, Holt, Redwine, Michaux, Bowie, Senators Daniel, Plyler, Odom, Ballance

ADVANCE STRUCTURED SENTENCING/CRIMINAL JUSTICE PARTNERSHIP ACT/PAROLE NONVIOLENT INMATES CONFORM EFFECTIVE DATE TO STRUCTURED SENTENCING

Sec. 14. (a) G.S. 15A-1340.10, as enacted by Section 1 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"§ 15A-1340.10. Applicability of structured sentencing.

This Article applies to criminal offenses in North Carolina, other than impaired driving under G.S. 20-138.1 that occur on or after ~~January 1, 1995~~, October 1, 1994."

(b) Section 56 of Chapter 538 of the 1993 Session Laws reads as rewritten:

"Sec. 56. This act becomes effective ~~January 1, 1995~~, October 1, 1994, and applies only to offenses occurring on or after that date. Prosecutions for, or sentences based on, offenses occurring before the effective date of this act are not abated or affected by the repeal or amendment in this act of any statute, and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

(c) Section 1359 of Chapter 539 of the 1993 Session Laws reads as rewritten:

"Sec. 1359. This act becomes effective ~~January 1, 1995~~, October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

(d) Section 2 of Chapter 534 of the 1993 Session Laws reads as rewritten:

"Sec. 2. This act becomes effective January 1, 1994. Grants administered under this act shall become effective ~~July~~ April 1, 1995. The Department of Correction may use funds available to support the administration of the State-County Criminal Justice Partnership program effective January 1, 1994."

(e) Section 4 of Chapter 15 of the Session Laws of the Extra Session of 1994 is amended by deleting "January 1, 1995", and substituting "October 1, 1994".

PART 9. DEPARTMENT OF CORRECTION

Requested by: Senators Ballance, Odom, Daniel, Plyler, Representatives Nesbitt, Diamont, H. Hunter, Holt, Bowie, Michaux

LEASE JAIL SPACE

Sec. 15. (a) Funds appropriated in this act to the Department of Correction for leasing jail space from local governments to house inmates committed to the Department's custody shall be used for this purpose only and shall not be transferred.

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

Requested by: Senators Odom, Ballance, Daniel, Plyler, Representatives Gist, Holt, Redwine, Nesbitt, Diamont, Michaux, Bowie

DEPARTMENT OF CORRECTION CONTRACTS FOR IN-STATE/OUT-OF-STATE HOUSING OF INMATES

Sec. 16. (a) G.S. 148-37 reads as rewritten:

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

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

(b) The Secretary of Correction may contract with the proper official of the United States or of any county or city of this State for the confinement of federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison system or for the confinement of State prisoners in any county or any city facility located in North Carolina, or any facility of the United States Bureau of Prisons, when to do so would most economically and effectively promote the purposes served by the Department of Correction. Any contract made under the authority of this section shall be for a period of not more than two years, and shall be renewable from time to time for a period not to exceed two years. Contracts for receiving federal, county and city prisoners shall provide for reimbursing the State in full for all costs involved. The financial provisions shall have the approval of the Department of Administration before the contract is executed. Payments received under such contracts shall be deposited in the State treasury for the use of the State Department of Correction. Such payments are hereby appropriated to the State Department of Correction as a supplementary fund to compensate for the additional care and maintenance of such prisoners as are received under such contracts.

(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity for the confinement and care of State prisoners in any out-of-state public correctional facility when to do so would most economically and effectively promote the purposes served by

the Department of Correction. Subject to the provisions of subsection (e) of this section, the combined authority contained in this subsection and in subsection (f) of this section may be used to house a maximum of 1,000 prisoners at any one time, which maximum shall include those housed on March 25, 1994, under contracts ratified by subsection (f) of this section. Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection shall expire not later than June 30, 1995, and shall be approved by the Department of Administration before the contract is executed.

(d) Prisoners confined in out-of-state correctional facilities pursuant to subsection (c) of this section shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The rules regarding good time and gain time, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in those out-of-state correctional facilities. The operators of those out-of-state correctional facilities may promulgate any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by an out-of-state correctional facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction not inconsistent with the laws of the State of situs of the facility to defend themselves, to enforce the observance of discipline in compliance with correctional facility rules, to secure the person of a prisoner, and to prevent escape. Prisoners confined to out-of-state correctional facilities may be required to perform reasonable work assignments within those facilities.

(e) The Department of Correction shall not contract to house in non-State-owned facilities within the State more than a total of 1,500 inmates at any one time, excluding any beds in private substance abuse treatment centers authorized by the General Assembly. If the number of inmates housed in non-State-owned facilities pursuant to this section exceeds 500, then the maximum number of prisoners authorized to be housed out-of-state pursuant to subsection (c) of this section is reduced by the amount of the excess."

(b) G.S. 148-37 is amended by adding a new subsection to read:

"(f) Any contracts entered into by the Department of Correction with public contractors prior to March 25, 1994, for the out-of-state housing of inmates are ratified. The Department of Correction shall take such actions not inconsistent with the terms of the contracts so that without further approval by the General Assembly they are not effective for the confinement or care of State prisoners after June 30, 1995."

(c) Subsections (a) and (b) of this section are effective upon ratification, but subsection (a) of this section expires on June 30, 1995.

Requested by: Representatives Nesbitt, Diamont, Mavretic, Senators Daniel, Plyler, Odom, Ballance

**DEPARTMENT OF CORRECTION STUDY OF HOUSING OF CERTAIN
FELONS OUTSIDE THE STATE OF NORTH CAROLINA**

Sec. 17. The Department of Correction shall study the issue of private, out-of-country placement of felons of 16 years of age or older who are sentenced to prison for 10 or more years in correctional facilities that equal or exceed the standards for adult correctional institutions of the American Correctional Association for construction and habitation and are:

- (1) Operated by any governmental unit within any U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; or
- (2) a. Operated by any corporation or other business entity organized under the laws of any U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and
b. Located within the boundaries of any U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any nation that is a signatory of the North American Free Trade Agreement (NAFTA), as approved by the United States in Pub. L. No. 103-182, 107 Stat. 2057 (1993).

The Department shall report the results of this study to the 1993 General Assembly, Regular Session 1994.

Requested by: Representatives Nesbitt, Diamont, Gist, Holt, Redwine, Bowie, Michaux, Senators Odom, Ballance, Daniel, Plyler

REPORT ON PLAN FOR CONTRACTING WITH PRIVATE SUBSTANCE ABUSE TREATMENT CENTERS

Sec. 18. The Department of Correction shall report to the General Assembly by May 15, 1994, on its plan for the use of funds appropriated to it in this act for the 1994-95 fiscal year for contracts for 500 beds in private substance abuse treatment centers, not to exceed 100 beds at any one center, including any recommended changes in legislation necessary to authorize these contracts. The Department of Human Resources shall provide any technical assistance requested by the Department of Correction on the preparation of the plan.

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling, Holt, Bowie, Redwine

BOOT CAMP FUNDS

Sec. 19. (a) Of the funds appropriated in this act to the Department of Correction the sum of one million five hundred sixteen thousand six hundred sixty-six dollars (\$1,516,666) for the 1994-95 fiscal year shall be placed in a reserve for the operation of a new boot camp for youthful offenders to be brought on line in the 1994-95 fiscal year under the construction program provided for in this act. The boot camp shall operate according to the guidelines set forth for the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) in Chapter 1010 of the 1989 Session Laws.

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

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

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont, H. Hunter, Holt, Redwine, Michaux, Bowie

EXPAND PRISON SUBSTANCE ABUSE PROGRAMS

Sec. 20. Of the funds appropriated in this act to the Department of Correction the sum of one million five hundred forty-five thousand three hundred forty-five dollars (\$1,545,345) for the 1994-95 fiscal year shall be used to establish a substance abuse program in five or more prisons located near urban areas throughout the State. Each program shall be established in accordance with Article 6 of Chapter 143B of the General Statutes. The funds shall be allocated such that each prison shall provide substance abuse services to no more than 100 inmates.

Requested by: Senators Shaw, Ballance, Odom, Daniel, Plyler, Representatives Holt, Gist, Redwine, H. Hunter, Michaux, Bowie

WORK CAMP PILOT PROGRAM

Sec. 21. (a) The Department of Correction shall develop plans for a pilot program in which the Department enters a partnership with a county or coalition of counties for the operation of a 340-bed work camp located at a site to be agreed upon by the Department of Correction and the county or coalition of counties. The county or coalition of counties shall agree to operate the work camp in exchange for authorization to use the minimum security inmates housed at the camp for work at public facilities and for any other suitable productive labor at sites within the county or coalition of counties entering the agreement.

The plan shall provide for making space available in the work camp in such a manner that judges passing sentence in the General Court of Justice within the county or

counties participating in the pilot program may assign defendants to the prison work camp.

(b) The Department of Correction shall report on the plan developed pursuant to this section to the Joint Legislative Commission on Governmental Operations by May 15, 1994.

Requested by: Senators Martin of Guilford, Odom, Ballance, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling, Holt, Redwine, Bowie, Michaux
**DEPARTMENT OF CORRECTION/DEPARTMENT OF HUMAN RESOURCES
JOINT PLAN/RESERVE FOR SUBSTANCE ABUSE TREATMENT PILOT
PROGRAM FOR PAROLEES AND PROBATIONERS**

Sec. 22. (a) Of the funds appropriated in this act to the Department of Correction, the sum of five hundred eighty-three thousand dollars (\$583,000) for the 1994-95 fiscal year shall be placed in a reserve for an intensive out-patient substance abuse treatment pilot program for parolees and probationers with serious substance abuse histories, to be allocated as prescribed by the 1993 General Assembly, Regular Session 1994. The Department of Correction and the Department of Human Resources shall jointly develop a plan for the development and implementation of an intensive out-patient substance abuse treatment pilot program for parolees and probationers with serious substance abuse histories. The Departments shall report this plan jointly to the General Assembly not later than May 15, 1994.

(b) In preparing the plan and the report, the Department of Correction and the Department of Human Resources shall consult with the following:

- (1) Staff from the Department of Correction Substance Abuse Program;
- (2) The Department of Correction Adult Probation and Parole Program;
- (3) The Department of Human Resources' Substance Abuse Services;
- (4) The Parole Commission, to be renamed the Post-Release Supervision and Parole Commission as of the effective date of the Structured Sentencing Act, Chapters 538 and 539 of the 1993 Session Laws;
- (5) Any other State or local programs the Departments consider necessary;
- (6) Representatives of business and industry who have an interest in job placement for ex-offender recovering substance abusers; and
- (7) Ex-offender recovering substance abusers.

Requested by: Senators Kerr, Cooper, Soles, Daniel, Plyler, Representatives Holt, Gist, Redwine, Michaux, Bowie

PROBATION/PAROLE DIVERSION STUDY

Sec. 23. The Department of Correction, Division of Adult Probation and Parole, shall study the feasibility of diverting probation and parole violators into residential community corrections centers similar to those currently being operated in other states. The study shall examine the possibility of housing probation and parole violators, who currently constitute approximately fifty-three percent (53%) of prison admissions in this State, in separate facilities operated as work camps, substance abuse treatment centers, or any other type of facilities designed to address the special

problems of probation and parole violators. The Department of Correction, Division of Adult Probation and Parole, shall report its findings and recommendations to the 1994 Regular Session of the 1993 General Assembly.

Requested by: Senators Hoyle, Cooper, Soles, Daniel, Plyler, Representatives Nesbitt, Diamont, Redwine, Bowie, Michaux, Holt

GREATER AFTER PRISON SUPPORT PROGRAM

Sec. 24. (a) With respect to funds appropriated in this act to the Department of Correction, Division of Prisons, the Greater After Prison Support Program shall report quarterly to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who complete the prerelease component of the program, and the number of clients who participate in the postrelease component of the program.

(b) The Department of Correction shall track the Greater After Prison Support program with an evaluation model consistent with existing models that show the impact of the program on participants regarding postrelease parole violations, rearrests, and recidivism rates. The Department shall provide a written evaluation of the program to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division by May 15, 1995.

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

Requested by: Representatives Nesbitt, Diamont, Holt, Redwine, Michaux, Bowie
Senators Daniel, Plyler, Odom, Ballance

PROBATION/PAROLE STUDY

Sec. 25. The Department of Correction shall study methods for reducing the paperwork required of probation and parole officers in order to allow more time for those officers to supervise probationers and parolees. The Department shall report its findings to the Joint Legislative Commission on Governmental Operations, to the Chairs of the House and Senate Appropriations Committees, and to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by May 15, 1994.

Requested by: Senators Lee, Daniel, Plyler, Representatives Nesbitt, Diamont, Holt, Redwine, Bowie, Michaux

STUDY OF PRISON ENTERPRISES AND PRISON CANTEEN FUNDS

Sec. 26. The Department of Correction shall study the use of net profits from Prison Enterprises and Prison Canteen funds. The Department shall report the results of this study no later than May 15, 1994, to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senator Daniel, Representatives Nesbitt, Diamont

STUDY BUNKING OF INMATES IN SHIFTS

Sec. 27. The Department of Correction shall study the issue of bunking inmates in shifts and shall report its findings and recommendations to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety. This report shall be made not later than May 15, 1994.

PART 10. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senators Cooper, Soles, Daniel, Plyler, Representatives Gist, Holt, Redwine, Bowie, Michaux

VICTIMS ASSISTANCE NETWORK FUNDS

Sec. 28. (a) Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars (\$150,000) for the 1994-95 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

- (1) Conduct surveys and gather data on crime victims and their needs;
 - (2) Act as a clearinghouse for crime victims services;
 - (3) Provide an automated crime victims bulletin board for subscribers;
 - (4) Coordinate and support the activities of other crime victims advocacy groups;
 - (5) Identify training needs of crime victims services providers and criminal justice personnel and coordinate training efforts for those persons; and
 - (6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.
- (b) This section becomes effective July 1, 1994.

Requested by: Senators Daniel, Carpenter, Plexico, Representatives Nesbitt, Diamont, Holt, Redwine, Michaux, Bowie

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

Sec. 29. (a) The Department of Crime Control and Public Safety, in consultation with the Department of Correction, shall study the need for a fund to reward persons providing information leading to the arrest and conviction of drug dealers. The Department shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives

Appropriations Subcommittees on Justice and Public Safety. This report shall be made not later than May 15, 1994.

(b) The Department of Crime Control and Public Safety shall study the need for providing funds to North Carolina Crime Stoppers to be used as seed money for new crime stoppers programs and for providing funds for local crime stoppers programs. The Department of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety. This report shall be made not later than May 15, 1994.

PART 11. DEPARTMENT OF HUMAN RESOURCES

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler, Ballance, Cooper, Odom, Soles, Representatives Barnes, Fitch, Easterling, Holt, H. Hunter, Nye, Nesbitt, Diamont, Redwine

SUPPORT OUR STUDENTS (S.O.S.) PROGRAM

Sec. 30. (a) Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 5A. S.O.S. Program.

"§ 143B-152.1. Establishment of program; purpose; goals.

(a) There is created in the Department of Human Resources the Support Our Students (S.O.S.) Program. The purpose of the program is to award grants to neighborhood- and community-based organizations to establish local S.O.S. programs that provide high quality after-school activities for school-aged children and provide for comprehensive, collaborative delivery of services by public and nonpublic agencies to these children. These services shall be designed to enrich and make a positive impact on the lives of school-aged children. These after-school activities may include activities after the regular school day and activities on days that students are not required to attend school.

(b) The goals of the program are to:

- (1) Reduce juvenile crime in local communities served by the program;
- (2) Recruit community volunteers to provide positive adult role models for school-aged children and to help supervise after-school activities;
- (3) Reduce the number of students who are unsupervised after school, otherwise known as 'latchkey' children;
- (4) Improve the academic performance of students participating in the program;
- (5) Meet the physical, intellectual, emotional, and social needs of students participating in the program and improve their attitudes and behavior; and
- (6) Improve coordination of existing resources and enhance collaboration so as to provide services to school-aged children effectively and efficiently.

"§ 143B-152.2. Definitions.

As used in this Part, 'school-aged children' means children enrolled in kindergarten through the ninth grade.

"§ 143B-152.3. Administration of the program.

The Department shall develop and implement the Support Our Students (S.O.S.) Program. The Department shall:

- (1) Sponsor a statewide conference each year for teams of interested representatives to provide background information and assistance regarding all aspects of the program;
- (2) Disseminate information regarding the program to interested neighborhood and community groups;
- (3) Develop and disseminate a request for applications to establish local S.O.S. programs;
- (4) Provide initial technical assistance to grant applicants and ongoing technical assistance as grants are implemented;
- (5) Administer funds appropriated by the General Assembly;
- (6) Monitor the grants funded;
- (7) Revoke a grant if necessary or appropriate;
- (8) Develop and implement a performance-based evaluation system to evaluate the program, in accordance with G.S. 143B-152.7(a);
- (9) Report on the program implementation to the General Assembly, the Joint Legislative Committee on Governmental Operations, and the Office of the Governor, in accordance with G.S. 143B-152.7(b); and
- (10) Adopt any rules necessary to implement this Part.

"§ 143B-152.4. Eligible applicants; application for grants.

(a) A community- or neighborhood-based 501(c)(3) entity or a consortium consisting of one or more local 501(c)(3) entities and one or more local school administrative units may apply for a grant.

(b) Applicants for grants shall submit to the Department an application that includes the following information:

- (1) Identification of one or more neighborhoods to be served by the local S.O.S. program, based on a needs assessment of existing conditions for school-aged children to be served. Data used in the needs assessment may include for each neighborhood to be served by a local program (i) dropout statistics, (ii) the number and percentage of school-aged children who participate in the federal subsidized lunch program, (iii) the number of suspensions and expulsions involving school-aged children, (iv) the number of children to be served, (v) the number and percentage of students with two working parents or one single parent to be served at a site, (vi) the incidence of juvenile crime in the neighborhood, and (vii) any other relevant or unique local demographic data.

Local authorities shall provide this or related information on a timely basis to local 501(c)(3) entities submitting applications to establish local S.O.S. programs:

- (2) A three-year plan that addresses data used in the needs assessment and that includes proposed goals and anticipated outcomes of the local S.O.S. program. The plan shall be prepared after consultation with local after-school programs, schools, community organizations or groups which have as their purpose assisting or helping school-aged children who are at risk of failing in school or entering the juvenile justice system, or other appropriate groups. In addition, the three-year plan shall provide for regular collaborative efforts to seek input and advice from parents of the students being served and from other citizens who reflect the demographic conditions of the students being served;
- (3) A statement of how grant funds would be used to address local problems and what other resources would be used to address the problems. This statement should include a list of services to be offered that are related to the goals and outcomes and should include plans for recruiting volunteers to assist in the program's activities; and
- (4) A process for assessing on an annual basis the success of the local plan for addressing the goals of the local S.O.S. program.

"§ 143B-152.5. Grants review and selection.

(a) The Department shall develop and disseminate a request for applications and establish procedures to be followed in developing and submitting applications to establish local S.O.S. programs and administering grants to establish local S.O.S. programs.

(b) The Secretary of Human Resources shall appoint a State task force to assist the Secretary in reviewing grant applications. The State task force shall include representatives of the Department of Human Resources, the Department of Public Instruction, local school administrative units, educators, parents, the juvenile justice system, social services, and governmental agencies providing services to children, and other members the Secretary considers appropriate. In appointing the State task force, the Secretary shall consult with the Superintendent of Public Instruction in an effort to coordinate the membership of this State task force, the State task force appointed by the Secretary pursuant to G.S. 143B-152.14, and the State task force appointed by the Superintendent pursuant to G.S. 115C-238.42.

In reviewing grant applications, the Secretary and the State task force may consider
(i) the severity of the local problems as determined by the needs assessment data, (ii) the likelihood that the locally designed plan will result in high quality after-school services for school-aged children, (iii) evidence of local collaboration and coordination of services, (iv) any innovative or experimental aspects of the plan that will make it a useful model for replication in other neighborhoods and communities, and (v) any other factors which affect the well-being of school-aged children.

(c) In determining the amount of funds an applicant receives, the Secretary and the State task force may consider (i) the number of children to be served, (ii) the number and percentage of children to be served who participate in the subsidized lunch program, (iii) the number and percentage of school-aged children with two working parents or one single parent to be served, (iv) the availability of other resources or funds, and (v) the amount needed to implement the proposal.

(d) The Secretary shall award the grants.

"§ 143B-152.6. Cooperation of State and local agencies.

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Human Resources, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Human Resources, after consultation with the Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of State agencies and local agencies, and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program.

"§ 143B-152.7. Program evaluation; reporting requirements.

(a) The Department of Human Resources shall develop and implement an evaluation system that will assess the efficiency and effectiveness of the S.O.S. Program. The Department shall design this system to:

- (1) Provide information to the Department and to the General Assembly on how to improve and refine the programs;
- (2) Enable the Department and the General Assembly to assess the overall quality, efficiency, and impact of the existing programs;
- (3) Enable the Department and the General Assembly to determine whether to modify the S.O.S. Program; and
- (4) Provide a detailed fiscal analysis of how State funds for these programs were used.

(b) The Department shall report to the General Assembly and the Joint Legislative Commission on Governmental Operations by May 15, 1994, on its progress in developing the evaluation system and in developing and implementing the program. It shall report prior to February 1, 1995, on the evaluation system developed by the Department and on program implementation. The Department shall present an annual report on October 1, 1995, and annually thereafter to the General Assembly and to the Joint Legislative Commission on Governmental Operations on the implementation of the program and the results of the program evaluation.

The Department shall also report annually to the Joint Legislative Commission on Governmental Operations and to the Governor on the implementation of the S.O.S. Program.

(c) A local 501(c)(3) entity or consortium that receives a grant under this Part shall report by August 1 of each year to the Department on the implementation of the

program. This report shall demonstrate the extent to which the local S.O.S. Program has met the local needs, goals, and anticipated outcomes as set forth in the grant applications."

(b) Of the funds appropriated to the Department of Human Resources for the S.O.S. Program for the 1994-95 fiscal year, the Department may use up to two hundred thousand dollars (\$200,000) to administer the S.O.S. Program, to provide technical assistance to applicants and to S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

(c) It is the goal of the General Assembly that wherever possible programs that receive grants for the 1994-95 fiscal year shall begin no later than July 1, 1994.

(d) In awarding grants under the S.O.S. Program, the Department shall ensure that the continuation costs to the State of the Program in subsequent fiscal years do not exceed the cost of the Program for the 1994-95 fiscal year.

(e) Notwithstanding G.S. 143-23, and with the approval of the Office of State Budget and Management, the Department of Human Resources may use up to two hundred thousand dollars (\$200,000) of the funds appropriated or otherwise available for the 1993-94 fiscal year to begin implementation of this section prior to July 1, 1994. The amount available to implement this section for the 1994-95 fiscal year shall be reduced by the amount spent prior to July 1, 1994.

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler, Ballance, Cooper, Odom, Soles, Representatives Barnes, Fitch, Easterling, Holt, H. Hunter, Nye, Nesbitt, Diamont, Redwine

FAMILY RESOURCE CENTER GRANT PROGRAM

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

"Part 5B. Family Resource Center Grant Program.

"§ 143B-152.10. Family Resource Center Grant Program; creation; purpose; intent.

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

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

(b) It is the intent of the General Assembly to encourage and support broad-based collaboration among public and private agencies and among people who reflect the

racial and socioeconomic diversity in communities to develop initiatives that (i) prepare children to learn effectively and to have a successful school experience, (ii) enhance the ability of families to become advocates for and supporters of education for the children in their families, and (iii) enhance the ability of families to function as nurturing and effective family units.

(c) It is further the intent of the General Assembly that this program shall be targeted to those neighborhoods that have disproportionately high levels of (i) children who would be less likely to attain educational or social success, (ii) families with low incomes, and (iii) crime and juvenile delinquency.

"§ 143B-152.11. Administration of program.

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

- (1) Sponsor a statewide conference for teams of interested representatives to provide background information and assistance regarding all aspects of the program;
- (2) Disseminate information regarding the program to interested local community groups;
- (3) Provide initial technical assistance and ongoing technical assistance to grant recipients;
- (4) Administer funds appropriated by the General Assembly;
- (5) Monitor the grants funded and the ongoing operations of family resource centers;
- (6) Revoke a grant if necessary or appropriate;
- (7) Report to the General Assembly and the Joint Legislative Commission on Governmental Operations, in accordance with G.S. 143B-152.15; and
- (8) Adopt rules to implement this Part.

"§ 143B-152.12. Eligible applicants: applications for grants.

(a) A community- or neighborhood-based 501(c)(3) entity or a consortium consisting of one or more local 501(c)(3) entities and one or more local school administrative units may apply for a grant.

(b) Applicants for grants shall identify the neighborhood or neighborhoods whose children and families will be served by a family resource center. The decision-making process for identifying and establishing family resource centers shall reflect the racial and socioeconomic diversity of the neighborhood or neighborhoods to be served.

(c) A grant application shall include a process for assessing on an annual basis the success of the local plan in addressing problems.

"§ 143B-152.13. Grants review and selection.

(a) The Department shall develop and disseminate a request for applications and establish procedures to be followed in developing and submitting applications to establish local family resource centers and administering grants to establish local family resource centers.

(b) The Secretary of Human Resources shall appoint a State task force to assist the Secretary in reviewing grant applications. The State task force shall include

representatives of the Department of Human Resources, the Department of Public Instruction, local school administrative units, educators, parents, the juvenile justice system, social services, and governmental agencies providing services to children, and other members the Secretary considers appropriate. In appointing the State task force, the Secretary shall consult with the Superintendent of Public Instruction in an effort to coordinate the membership of this State task force, the State task force appointed by the Secretary pursuant to G.S. 143B-152.5, and the State task force appointed by the Superintendent pursuant to G.S. 115C-238.42.

In reviewing grant applications, the Secretary and the State task force may consider (i) the severity of the local problems as determined by the needs assessment data, (ii) the likelihood that the locally designed plan will result in high quality services for children and their families, (iii) evidence of local collaboration and coordination of services, (iv) any innovative or experimental aspects of the plan that will make it a useful model for replication in other counties, (v) the availability of other resources or funds, (vi) the incidence of crime and juvenile delinquency, (vii) the amount needed to implement the proposal, and (viii) any other factors consistent with the intent of this Part.

(c) In determining the amount of funds an applicant receives, the Secretary and the State task force may consider (i) the number of children to be served, (ii) the number and percentage of children to be served who participate in the subsidized lunch program, (iii) the number and percentage of school-aged children to be served with two working parents or one single parent, (iv) the availability of other resources or funds, and (v) the amount needed to implement the proposal.

(d) The Secretary shall award the grants.

"§ 143B-152.14. Cooperation of State and local agencies.

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Human Resources, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Human Resources, after consultation with the Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of State agencies and local agencies and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program.

"§ 143B-152.15. Program evaluation; reporting requirements.

(a) The Department of Human Resources shall develop and implement an evaluation system that will assess the efficiency and effectiveness of the Family Resource Center Grant Program. The Department shall design this system to:

- (1) Provide information to the Department and to the General Assembly on how to improve and refine the programs;
- (2) Enable the Department and the General Assembly to assess the overall quality, efficiency, and impact of the existing programs;

- (3) Enable the Department and the General Assembly to determine whether to modify the Family Resource Center Grant Program; and
- (4) Provide a detailed fiscal analysis of how State funds for these programs were used.

(b) The Department shall report to the General Assembly and the Joint Legislative Commission on Governmental Operations by May 15, 1994, on its progress in developing the evaluation system and in developing and implementing the program. It shall report prior to February 1, 1995, on the evaluation system developed by the Department and on program implementation. The Department shall present an annual report on October 1, 1995, and annually thereafter to the General Assembly and to the Joint Legislative Commission on Governmental Operations on the implementation of the program and the results of the program evaluation.

(c) A local 501(c)(3) entity or consortium that receives a grant under this Part shall report by August 1 of each year to the Department on the implementation of the program. This report shall demonstrate the extent to which the local family resource center has met the local needs, goals, and anticipated outcomes as set forth in the grant application."

(b) Of the funds appropriated to the Department of Human Resources for the Family Resource Center Grant Program for the 1994-95 fiscal year, the Department may use up to two hundred thousand dollars (\$200,000) to administer the Family Resource Center Grant Program, to provide technical assistance to applicants and to local family resource centers, and to evaluate the local family resource centers. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

(c) It is the goal of the General Assembly that wherever possible programs that receive grants for the 1994-95 fiscal year shall begin no later than July 1, 1994.

(d) In awarding grants under the Family Resource Center Grant Program, the Department shall ensure that the continuation costs to the State of the program in subsequent fiscal years do not exceed the cost of the program for the 1994-95 fiscal year.

(e) Notwithstanding G.S. 143-23, and with the approval of the Office of State Budget and Management, the Department of Human Resources may use up to two hundred thousand dollars (\$200,000) of the funds appropriated or otherwise available for the 1993-94 fiscal year to begin implementation of this section prior to July 1, 1994. The amount available to implement this section for the 1994-95 fiscal year shall be reduced by the amount spent prior to July 1, 1994.

Requested by: Senators Martin of Guilford, Perdue, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling, Nye, H. Hunter, Fitch, Holt, Gardner, Dickson
ANNUAL EVALUATION OF WILDERNESS CAMP, COACH MENTOR TRAINING, AND GOVERNOR'S ONE-ON-ONE PROGRAMS

Sec. 32. (a) The Department of Human Resources shall conduct an annual evaluation of the Wilderness Camp, Coach Mentor Training, and Governor's One-on-One Programs. The results of the evaluation shall be submitted to the State

Auditor for further review and comment. The State Auditor shall transmit the evaluation along with any comments to the Joint Legislative Commission on Governmental Operations no later than October 1 of each year covering the program for the prior fiscal year. In conducting the evaluation, among other things, the focus shall be on directing youth toward long-term positive and productive noncriminal behavior. The review shall be qualitative and quantitative.

(b) In addition to the evaluations required in subsection (a) of this section, the Department of Human Resources shall make an interim evaluation of the Coach Mentor Training Program to the General Assembly not later than May 15, 1994. The interim evaluation shall provide information on how the Department plans to expend funds allocated for this Program.

Requested by: Senators Martin of Guilford, Perdue, Daniel, Plyler, Representatives Nesbitt, Diamont, Nye, Easterling, H. Hunter, Fitch, Holt, Gardner, Dickson

GOVERNOR'S ONE-ON-ONE PROGRAM FUNDS ALLOCATION

Sec. 33. Funds appropriated in this act to the Department of Human Resources, Division of Youth Services for the Governor's One-on-One Program shall be used to increase the funding for each of the existing programs and to provide funding for new programs to bring the number of programs up to at least a total of 65 programs at funding levels of thirty thousand dollars (\$30,000) for each full-time program, fifteen thousand dollars (\$15,000) for each half-time program, and sixty thousand dollars (\$60,000) for each double program.

Requested by: Senators Perdue, Martin of Guilford, Winner of Mecklenburg, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling, Nye, H. Hunter, Fitch, Holt, Gardner, Dickson

ALTERNATIVES TO DETENTION PROGRAM

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

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

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

Requested by: Representatives Barnes, Easterling, Nye, Holt, H. Hunter, Fitch, Gardner, Dickson, Senators Martin of Guilford, Perdue, Tally, Daniel, Plyler

COMMUNITY-BASED ALTERNATIVE FUNDS

Sec. 35. (a) G.S. 7A-289.13 reads as rewritten:

"§ 7A-289.13. **Legislative intent.**

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

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

- (1) ~~Such~~ These programs ~~should~~ shall be planned and organized at the community level within the State, and ~~such~~ these planning efforts ~~should~~ shall include appropriate representation from local government, local public and private agencies serving families and ~~children (both public and private),~~ children, local business leaders, citizens with an interest in youth problems, youth representatives, and others as may be appropriate in a particular community. The role of the State ~~should~~ shall be to provide technical assistance, access to funding, and program information, and to assist local leadership in appropriate planning.
- (1a) As a prerequisite for receiving funding for Community-Based Alternatives, each county shall appoint a Community-Based Alternatives Youth Services Advisory Committee and shall update and revise the Committee's membership to ensure appropriate representation. As vacancies occur on Community-Based Alternatives Youth Services Advisory Committees or as new committees are appointed. The Committee members shall be reflective of the racial and socioeconomic diversity of the community.
- (1b) The Community-Based Alternatives Youth Services Advisory Committee required by subdivision (1a) of this section shall annually review the needs of troubled juveniles within its county, develop and advertise a Request for Proposal process, and submit a written Plan of Action for the expenditure of Community-Based Alternatives funds to the county for its approval. Upon the county's authorization, the Plan shall be submitted to the Department of Human Resources for final approval and subsequent implementation.
- (1c) The Division of Youth Services shall develop and implement uniform standards for each county's Community-Based Alternatives Youth Services Advisory Committee's annual certification and written requirements for program planning including a standard format for the Request for Proposal.

- (2) When a child is adjudicated to be within the juvenile jurisdiction of the district ~~court~~ court, ~~such~~ this child should be carefully evaluated through the available community-level ~~resources (including resources, including mental health, social services, public health and other available medical services, public schools, and others as appropriate)~~ other appropriate services, prior to the juvenile hearing dealing with disposition so that the disposition of the court may be made with an understanding of the needs of the child and after consideration of the resources available to meet these needs.
- (3) It is contrary to the policy of the State for a court to separate a child from ~~his~~ the child's own family or commit a child to an institution or training school without a careful evaluation of the needs of the child.
- (4) The General Assembly finds that State and local government ~~should~~ shall be responsive to the need for community-based services ~~which that~~ would provide a viable alternative to commitment to an institution or training school. The General Assembly intends that State government should be responsive to this need through the Department of Human Resources by helping public and private local groups to plan, ~~develop~~ develop, and fund community-based programs, both residential and nonresidential. ~~It is recognized~~ The General Assembly recognizes that ~~such~~ these efforts will require the cooperation of several major State departments in addition to Human Resources, such as the Department of Public Instruction, the Administrative Office of the Courts, and the Governor's Crime Commission. ~~Commission of the Department of Crime Control and Public Safety.~~
- (5) It is the intent of the General Assembly that the Secretary of the Department of Human Resources develop a funding mechanism that will provide State support for programs that meet the standards as developed under the provisions of this Article.

The Secretary of the Department of Human Resources shall adopt rules to implement this section."

(b) Of the funds appropriated to the Department of Human Resources, Division of Youth Services, in this act, the sum of five million dollars (\$5,000,000) for the 1994-95 fiscal year shall be used to expand Community-Based Alternatives services. Of these funds, four million dollars (\$4,000,000) shall be allocated per capita among the counties, based on the number of children in the county between the ages of 10 and 17, and one million dollars (\$1,000,000) shall be allocated evenly among all counties.

The Community-Based Alternatives Youth Services Advisory Committee shall annually review the needs of troubled youth and submit a written Plan of Action to the county board of commissioners for approval, in accordance with G.S. 7A-289.13(1b). In those counties that have a commitment rate above one person per thousand, the plan shall describe how these additional funds will be used to reduce the county commitment rate. In those counties that have a commitment rate at or less than one per thousand, the plan shall specify how the funds will be used to maintain or

reduce the commitment rate. The plan shall provide for the county to use funds appropriated in this section to purchase care or services from local public agencies and private nonprofit 501(c)(3) corporations and housing authorities providing delinquency prevention programs or community-based services. The plan shall emphasize the provision of services for children against whom a complaint of delinquency has been made, regardless of whether the juvenile was diverted to a community resource or adjudicated delinquent. The approved plan shall then be submitted to the Division of Youth Services for approval.

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

Requested by: Senators Martin of Guilford, Perdue, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling, Nye, H. Hunter, Fitch, Holt, Gardner, Dickson

DHR STUDY OF DIVISION OF YOUTH SERVICES' PROGRAMS AND SERVICES

Sec. 36. (a) The Department of Human Resources shall conduct a comprehensive study of the Division of Youth Services' juvenile justice system in order to ensure the efficacy, cost-effectiveness, and optimal utilization of the system and its continuum of services. The Department may contract with an independent consultant to assist it in its study. The Administrative Office of the Courts, the Department of Correction, and any other State or local agencies the Department considers have a role in the juvenile justice system shall cooperate with the Department in its study.

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

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

- (b) This study shall include:
- (1) An analysis, including an assessment of safety risks to community and staff, of the current training school population;
 - (2) An assessment of adult and juvenile recidivism rates of recent training school residents;
 - (3) An analysis of the cost and success of dispositions of juvenile offenders who are placed on probation or assigned to other programs;
 - (4) An evaluation of the Community-Based Alternative Program;
 - (5) An assessment of the juvenile offender systems and programs used in other states;
 - (6) The development of a plan for an early warning system by which potential youthful offenders are identified at a very early age so that intervention can be made to prevent adverse outcomes;

- (7) Diagnostic assessment of all youth in training schools and detention centers to determine if each youth has been properly placed. The assessment criteria shall conform to standards developed by the Division of Youth Services, juvenile court counselors, and mental health/substance abuse services professionals;
 - (8) An evaluation of vocational education in the training schools;
 - (9) An analysis of other services and treatments offered in training schools;
 - (10) Alternatives to detention and to training schools;
 - (11) Proposals for appropriate reforms of the current dispositional system that will help juvenile offenders become productive citizens, control costs, and protect the public safety;
 - (12) Recommendations to enable accountability and evaluation of outcomes of juvenile programs and dispositions, including recommendations for system changes that will enable tracking of participants in juvenile offender programs into the adult criminal and other juvenile offender programs; and
 - (13) Recommendations concerning whether a commission should be established to periodically review and evaluate the juvenile justice system and the composition of such a commission if established.
- (c) The study components should be measured by whether the juvenile justice system provides:
- (1) Skills to develop positive self-concept, the ability to analyze and understand consequences of their choices, the ability to accept responsibility for one's own action, and to develop positive interpersonal relationships;
 - (2) Opportunity for educational achievement and acquisition of usable job skills;
 - (3) Skills for remaining free from substance abuse, violence, and criminal activity;
 - (4) Opportunity to involve family members and other significant individuals in the rehabilitative and treatment processes;
 - (5) Effective support systems for juveniles and their family members that are designed to increase the prospect of achieving and maintaining long-term program goals;
 - (6) Program methodologies and staff training and development that is consistent and correlates with program goals; and
 - (7) Evidence of effective and efficient client-focused collaborative and cooperative service delivery arrangements with other public and private agencies.
- (d) The Department shall complete this study by November, 1, 1994, and shall report the results of this study to the 1995 General Assembly by March 1, 1995.
- (e) Of the funds appropriated to the Department of Human Resources, the sum of one hundred fifty thousand dollars (\$150,000) for the 1993-94 fiscal year shall

be used to fund this study. Any of these funds that are unexpended at the end of the 1993-94 fiscal year shall not revert but shall remain available to complete the study required by this section.

Requested by: Representatives Nesbitt, Diamont, Nye, Easterling, H. Hunter, Fitch, Holt, Gardner, Dickson, Senators Daniel, Plyler

DIRECTOR OF JOINT SECURITY FORCE

Sec. 37. The Secretary of the Department of Human Resources shall designate the Director of the Juvenile Evaluation Center as the Director of the Joint Security Force established in G.S. 122C-421, serving the territory of the Black Mountain Center, the Alcohol Rehabilitation Center, and the Juvenile Evaluation Center, all in Buncombe County, and having the power prescribed by G.S. 7A-571(4) and G.S. 122C-421 outside the territory embraced by the named centers but within the confines of Buncombe County.

PART 12. JUDICIAL DEPARTMENT

Requested by: Senators Kerr, Cooper, Soles, Daniel, Plyler, Representatives Nesbitt, Diamont, Holt, Redwine, Bowie, Michaux

DEFERRED PROSECUTION STUDY

Sec. 38. The Administrative Office of the Courts, in consultation with the North Carolina Conference of District Attorneys, shall study the problem of underutilization of the deferred prosecution program established in G.S. 143B-475.1 and shall recommend methods for encouraging greater use of the program across the State. The Administrative Office of the Courts shall report its findings and recommendations to the 1995 General Assembly.

Requested by: Senators Conder, Ballance, Odom, Daniel, Plyler, Representatives Nesbitt, Diamont, Holt, Redwine, Michaux, Bowie

DISTRICT ATTORNEY ACCESS TO POLICE INFORMATION NETWORK

Sec. 39. (a) Funds appropriated in this act to the Judicial Department for the 1993-94 fiscal year to provide access to the Police Information Network that are not expended by the end of the fiscal year shall not revert, but shall remain available for the next fiscal year.

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

Requested by: Representatives Nesbitt, Diamont, Gist, Holt, Redwine, Bowie, Michaux, Senators Daniel, Plyler, Cooper, Soles

TEEN COURT PROGRAM FUNDS

Sec. 40. (a) Of the funds appropriated in this act to the Judicial Department, the sum of seventy-five thousand dollars (\$75,000) for the 1994-95 fiscal year shall be used to develop and implement "teen court" programs in judicial districts to be selected by the Administrative Office of the Courts. These programs are to be made available to junior and senior high schools within the selected judicial districts. Any

grant application shall be reviewed and approved by the chief district court judge for the district in which the program is to be conducted. Grants from the Administrative Office of the Courts to any local agency or authority shall be used to develop and implement programs that meet either or both of the following objectives:

- (1) Development and implementation of a "teen court" program as a community resource for the selected judicial districts. Cases in which a juvenile allegedly commits an offense within the jurisdiction of the juvenile court, as specified in the teen court plan, which offense, if committed by an adult, would constitute a crime or infraction, may be diverted by law enforcement or the court, or referred by Intake Services, to "teen court" to be "sentenced" by a jury of the juvenile's peers. The plan shall specify the kinds of offenses that are appropriate for referral to teen court. "Sentences" may include counseling, restitution, curfews, or community service, as well as other rehabilitative measures; or
- (2) "Teen court" model programs made available to all junior and senior high school students in the selected judicial districts to handle problems that develop at school but that have not been turned over to the juvenile authorities.

(b) The Administrative Office of the Courts shall distribute the funds to grantees in quarterly payments beginning July 1994 and ending April 1995. Grantees shall provide the Administrative Office of the Courts with quarterly reports as to the expenditure of funds and relevant statistical data.

(c) Grantees of the funds shall report at least annually to the Administrative Office of the Courts and to officials of the selected judicial districts. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and any recommendations by March 15, 1995, to the Joint Legislative Commission on Governmental Operations and to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

(d) In addition to the reports required in subsection (d) of Section 80 of Chapter 561 of the 1993 Session Laws, the Administrative Office of the Courts shall make an interim report by May 15, 1994, on the effectiveness of the Cumberland County "Teen Court" program established pursuant to Section 80 of Chapter 561 of the 1993 Session Laws.

Requested by: Representatives Nesbitt, Diamont, Gist, Holt, Redwine, Michaux, Bowie, Senators Daniel, Plyler

RESERVE FOR COURT/DRUG TREATMENT PROGRAM

Sec. 41. There is created in the Judicial Department a Reserve for Court/Drug Treatment Program. Of the funds appropriated in this act to the Judicial Department, the sum of eight hundred thousand dollars (\$800,000) for the 1994-95 fiscal year shall be held in this reserve. The funds in this reserve shall be allocated as prescribed by the 1993 General Assembly, Regular Session 1994.

PART 14. INTERVENTION/PREVENTION INITIATIVES

Requested by: Representatives Barnes, Fitch, Easterling, Gardner, H. Hunter, Rogers, Black, Russell, Arnold, Redwine, Bowie, Nesbitt, Diamont, Holt, Hensley, Senators Gunter, Perdue, Martin of Guilford, Daniel, Plyler, Ballance, Cooper, Odom, Soles

SCHOOL-BASED PROGRAM GRANTS

Sec. 42. (a) The General Assembly finds that:

- (1) Growing numbers of children live in conditions that place them at risk of school failure;
- (2) The provision of school and support services to these children and their families by public and nonprofit agencies is fragmented and does not prepare these children to learn effectively and have a successful school experience;
- (3) The lack of collaboration among schools, families, local agencies, and other groups involved in family support and youth development activities results in the inefficient and ineffective use of resources to meet the needs of these children;
- (4) Schools are dedicating an increasing amount of their time and resources to responding to disruptive and violent behavior rather than fulfilling their mission to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential;
- (5) The relationships between school failure, disruptive and violent behavior in schools, unemployment, and criminal behavior are clear;
- (6) Responding to the needs of students who are at risk of school failure and providing for a safe and secure learning environment are cost-effective because it enables the State to substitute preventive measures for expensive crisis intervention; and
- (7) Differing local needs and local resources necessitate the development of locally generated, community-based plans that coordinate and leverage existing resources, not the imposition of uniform and inflexible, State-mandated plans;

therefore, of the funds appropriated to Aid to Local School Administrative Units by this act, the sum of twelve million dollars (\$12,000,000) shall be used for the 1994-95 fiscal year to implement the Intervention/Prevention Grant Program for North Carolina School Children.

(b) Article 16 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 8. Intervention/Prevention

Grant Program for North Carolina School Children.

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

There is established the Intervention/Prevention Grant Program for North Carolina School Children. The purpose of the program is to provide grants to local school administrative units for locally designed innovative local programs that target juvenile crime by (i) enhancing educational attainment through coordinated services to respond

to the needs of students who are at risk of school failure and at risk of participation in juvenile crime and (ii) providing for a safe and secure learning environment.

"§ 115C-238.41. Applications for grants.

(a) A local school administrative unit may apply for a grant, or up to three adjacent local school administrative units may apply jointly for a grant.

(b) In preparing grant applications, an applicant shall consult with a local task force appointed by the county board of commissioners and comprised of educators, parents, students, community leaders, and representatives of the juvenile justice system, human services, and nongovernmental agencies providing services to children. To the extent possible, the task force shall be representative of the racial and socioeconomic composition of the geographic area to be served by the grant. If a local school administrative unit or the geographic area covered by a grant proposal is located in more than one county, the board of commissioners of the counties shall jointly appoint the task force.

(c) The application shall include the following information:

(1) Data on the incidence of juvenile crime in the geographical area to be served by the grant. Sources of data may include the chief juvenile court counselor in the judicial district, the clerk of superior court, and local law enforcement officials.

(2) An assessment of local resources from all sources for, and local deficiencies with regard to, responding to the needs of children who live in conditions that place them at risk of school failure. This assessment shall be prepared by the local task force.

(3) A detailed plan for removing barriers to success in school that exist for these children and for minimizing disruptive and violent behavior among all students. This plan shall include proposed goals and anticipated outcomes, prepared after consultation with the task force. This plan shall provide for the establishment or expansion of programs that have components based on one or more of the following models or other collaborative models:

a. School-based Resource Center Model. – A School-based Resource Center is a school-based center that coordinates the delivery of comprehensive and integrated services in or near a school to children from kindergarten through the eighth grade and their families. Services are provided through broad-based collaboration among governmental and nongovernmental agencies and persons reflective of the racial and socioeconomic diversity in a community. Services are designed to (i) prepare children to attain academic and social success, (ii) enhance the ability of families to become advocates for and supporters of education for the children in their families, (iii) provide parenting classes to the parents of children who are at risk of school failure, and (iv) otherwise enhance the ability of families to function as nurturing and effective family units.

- b. After School Program Model. – An After School Program is a program that provides high quality educationally appropriate and recreational activities to students after the regular school day. The program may be targeted toward providing academic support for students who perform significantly below their age-level peers or for students with learning disabilities. Local boards of education may permit teachers to adjust their work schedules so they can work in the program.
 - c. Cities in Schools Program Model. – A Cities in Schools Program is a community partnership among public agencies, private nonprofit agencies, volunteer organizations, and local businesses that delivers services to students who are at risk of dropping out of school or who display discipline problems. Services offered are based on an assessment of local needs and resources.
 - d. Alternative Learning Program Model. – An Alternative Learning Program is a program that provides individualized programs outside of a standard classroom setting in a caring atmosphere in which students learn the skills necessary to redirect their lives and return to a standard classroom setting. The program should maintain State standards and may include smaller classes and lower student/teacher ratios, school-to-work transition activities, modification of curriculum and instruction to meet individual needs, flexible scheduling, and necessary academic, vocational, and support services for students and their families. Services may also include appropriate measures to correct disruptive behavior, teach responsibility, good citizenship, and respect for rules and authority.

The goals of the alternative school programs should be to (i) reduce the school dropout rate through improved student attendance, behavior, and educational achievement; and (ii) increase successful school-to-work transitions for students through educationally linked job internships, mentored job shadowing experiences, and the development of personalized education and career plans for participating students.
 - e. Safe Schools Program Model. – A Safe Schools Program is a locally designed program for making schools safe for students and school employees. The program may involve peer mediation and conflict resolution activities.
- (4) A statement of whether and to what extent the local board of education intends to contract with local, private, nonprofit 501(c)(3) corporations to staff, operate, or otherwise provide services for one or more elements of the plan. Local boards are encouraged to contract for services, when appropriate.

- (5) A statement of (i) how the grant funds would be used to address these local problems, (ii) what other resources, including Safe Schools Grants, Chapter 1 funds, Chapter 2 block grant funds, dropout prevention funds, Basic Education Program funds, remediation funds, small school system supplemental funds, and low-wealth counties supplemental funds, would be used to address the problems, and (iii) how all available community resources and the components of the proposed plan would be coordinated to enhance the effectiveness of existing services and of services proposed in the plan.
- (6) A statement of how the proposed plan would assist a local school administrative unit in implementing the local school improvement plan.
- (7) A process for assessing on an annual basis the success of the local plan in addressing problems.

"§ 115C-238.42. Review of applications.

(a) The Superintendent of Public Instruction shall appoint a State task force to assist the Superintendent in reviewing grant applications. The State task force shall include representatives of the Department of Public Instruction, the Department of Human Resources, local school administrative units, educators, parents, the juvenile justice system, social services, and governmental agencies providing services to children, and other members the Superintendent considers appropriate. In appointing the State task force, the Superintendent shall consult with the Secretary of Human Resources in an effort to coordinate the membership of this State task force and those appointed by the Secretary pursuant to G.S. 143B-152.5 and G.S. 143B-152.13.

In reviewing grant applications, the Superintendent and the State task force shall consider the prevalence of underserved students and families in low-income neighborhoods and in isolated rural areas in the area for which the grant is requested, the severity of the local problems with regard to children at risk of school failure and with regard to school discipline, whether the proposed program meets State standards, and the likelihood that the locally designed plan will deal with the problems successfully.

During the review process, the Superintendent may recommend modifications in grant applications to applicants.

(b) The Superintendent shall submit recommendations to the State Board of Education on which applicants should receive grants and the amount they should receive.

"§ 115C-238.43. Award of grants.

In selecting grant recipients, the State Board shall consider (i) the recommendations of the Superintendent, (ii) the geographic location of the applicants, and (iii) the demographic profile of the applicants. After considering these factors, the State Board shall give priority to grant applications that will serve areas that have a high incidence of juvenile crime and that propose different approaches that can serve as models for other communities.

The State Board shall select the grant recipients prior to July 15, 1994, for local programs that will be in operation at the beginning of the 1994-95 school year. The State Board shall select the grant recipients prior to October 1, 1994, for local programs that will be in operation after the beginning of the 1994-95 school year.

"§ 115C-238.44. Requests for modifications of grants or for additional funds to implement grants.

A grant recipient may request a modification of a grant or additional funds to implement a grant through the grant application process. The request shall be reviewed and accepted or rejected in the same manner as a grant application.

"§ 115C-238.45. Administration of the grant program.

The Superintendent of Public Instruction shall administer the grant program, under the direction of the State Board of Education. The Department of Public Instruction shall provide technical assistance to grant applicants and recipients.

"§ 115C-238.46. Cooperation of State and local agencies.

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Public Instruction, local boards of education, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Superintendent, after consultation with the Secretary of Human Resources, shall develop a plan for ensuring the cooperation of State agencies and local agencies, and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program.

"§ 115C-238.47. Program evaluation; reporting requirements.

(a) The Department of Public Instruction shall develop and implement an evaluation system, under the direction of the State Board of Education, that will assess the efficiency and effectiveness of the Intervention/Prevention Grant Program. The Department shall design this system to:

- (1) Provide information to the Department and to the General Assembly on how to improve and refine the programs;
- (2) Enable the Department and the General Assembly to assess the overall quality, efficiency, and impact of the existing programs;
- (3) Enable the Department and the General Assembly to determine whether to modify the Intervention/Prevention Grant Program; and
- (4) Provide a detailed fiscal analysis of how State funds for these programs were used.

(b) The State Board of Education shall report to the General Assembly and the Joint Legislative Education Oversight Committee by May 15, 1994, on its progress in developing the evaluation system and in developing and implementing the program. It shall report prior to February 1, 1995, on the evaluation system developed by the Department and on program implementation. The State Board of Education shall present an annual report on October 1, 1995, and annually thereafter to the General

Assembly and to the Joint Legislative Education Oversight Committee on (i) the implementation of the program, (ii) the results of the program evaluation, (iii) how the funds appropriated by the General Assembly for the program are being used, (iv) additional funds required to implement the program, and (v) any necessary modifications to the program."

(c) The Department of Public Instruction shall use funds within its budget for travel and for supplies and materials for the 1993-94 fiscal year to implement subsection (b) of this section prior to July 1, 1994.

(d) Subsection (a) of this section becomes effective July 1, 1994. The remainder of this section is effective upon ratification.

Requested by: Representatives Barnes, Rogers, Black, Nesbitt, Diamont, Holt, Bowie, Russell, Arnold, Fitch, Easterling, Gardner, H. Hunter, Hensley, Senators Gunter, Perdue, Martin of Guilford, Daniel, Ballance, Cooper, Odom, Plyler, Hartsell, Shaw, Soles

LOCAL PROGRAMS TO ASSIST CHILDREN AT RISK OF SCHOOL FAILURE

Sec. 43. Of the funds appropriated to Aid to Local School Administrative Units, the sum of eighteen million two hundred thirty-seven thousand one hundred twenty dollars (\$18,237,120) for the 1994-95 fiscal year shall be used for positions to implement locally designed initiatives to provide services to students who are at risk of school failure and to the students' families. These funds shall be allocated by the State Board of Education to local school administrative units on the basis of average daily membership for instructional support personnel other than library media specialists, with a minimum of one position allotted per local school administrative unit.

The Superintendent of Public Instruction shall not recommend and the State Board not grant waivers pursuant to G.S. 115C-238.6 pertaining to the purposes for which these funds may be used unless:

- (1) The requested waiver is to convert one or more of these instructional support positions to teacher positions;
- (2) The conversion to a teacher position is at the average cost of the instructional support position being converted; and
- (3) The position converted is to be used for a certified teacher who has special skills or training that are necessary to work with children in an alternative learning program and that teacher is assigned full-time to an alternative learning program.

Local boards of education are encouraged to design and implement plans that coordinate and leverage existing resources in the public schools, local governments, nonprofit entities, and the community at large. Local school administrative units that receive Intervention/Prevention School grants are encouraged to design and implement plans that coordinate the use of these funds with the programs funded with Intervention/Prevention Program grants. Adjoining local school administrative units are encouraged to design and implement joint programs.

The State Board of Education shall make a preliminary report to the Joint Legislative Education Oversight Committee in November 1994 on the programs implemented at the local level with these funds. The State Board of Education shall make a final report to the General Assembly on these programs in February 1995.

PART 15. GENERAL ASSEMBLY

Requested by: Senators Sherron, Daniel, Plyler, Representatives Nesbitt, Diamont

TASK FORCE ON OFFENDERS' DRUG AND ALCOHOL REHABILITATION AND EDUCATION

Sec. 44. (a) There is created the Task Force on Offenders' Drug and Alcohol Rehabilitation and Education to study methods for providing alcohol and drug treatment programs and educational programs to offenders. The Task Force shall be composed of eight members:

- (1) The Governor, who shall chair the Task Force;
- (2) The Secretary of Correction;
- (3) The Assistant Secretary of Correction for Substance Abuse;
- (4) The Secretary of Human Resources;
- (5) The Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Department of Human Resources;
- (6) The Chief of the Substance Abuse Services Section, Division of Mental Health, Developmental Disabilities and Substance Abuse, Department of Human Resources;
- (7) The President of the North Carolina Community College System; and
- (8) The Superintendent of Public Instruction.

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

- (1) Develop a plan and a cost estimate for converting a number of prison facilities into intensive drug and alcohol rehabilitation centers, for identifying inmates with drug and alcohol problems, and for mandating proven treatment procedures for those inmates;
- (2) Develop a plan and a cost estimate for ensuring that persons sentenced to prison for crimes involving drugs or for crimes in which alcohol or drugs were a causative or contributing factor receive a full year of drug rehabilitation as a part of their sentence. The plan shall provide for intensive drug therapy and gradual reintegration into society as the treatment progresses. The plan shall also provide for parole conditioned upon total abstinence from alcohol and drugs, to be enforced through strict testing, with violators returned to prison for the full term of the original sentences.
- (3) Develop a plan and a cost estimate for establishing an extension program through either the Department of Community Colleges or the Department of Public Instruction to provide a General Education

Development diploma (GED) to all offenders who have not obtained a high school diploma or a GED. The plan shall include making continued work towards a GED a condition of probation or parole whenever necessary to ensure that the offender does obtain a GED.

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

Requested by: Senators Gulley, Daniel, Plyler, Representatives Nesbitt, Diamont
JOINT DEPARTMENTAL STUDY OF LIFE IMPRISONMENT SENTENCE

Sec. 45. The Department of Correction, the Department of Crime Control and Public Safety, and the Department of Justice shall study the effect on the criminal justice system of having the sentence of life imprisonment without parole for certain criminal offenses and shall also consider whether the sentence of life imprisonment without parole has served as a deterrent with regard to those crimes for which it may be imposed, any other impact the sentence may have had on the crime rate generally, the fiscal impact that the sentence has had on the State's finances, and the projected costs to the State if the sentence continues to be imposed. The Department of Correction, Department of Crime Control and Public Safety, and Department of Justice shall report to the General Assembly, the Joint Legislative Commission on Governmental Operations, and the appropriations committees in the House of Representatives and the Senate by January 1, 2005, on their findings and recommendations regarding the sentence of life imprisonment without parole.

Requested by: Senators Perdue, Martin of Guilford, Daniel, Plyler, Representatives Nesbitt, Diamont, Easterling

REPORT ON ANTICRIME INITIATIVES

Sec. 46. Every agency of the State to which funds have been appropriated in this act for implementing program initiatives for reducing crime shall report to the Joint Legislative Corrections Oversight Committee at its first meeting and quarterly thereafter. The report shall provide information on the expenditure of the funds, program implementation progress, and results to date. The purpose of the reports is to provide the General Assembly and the citizens of this State with information on the progress and success of initiatives developed to reduce crime in North Carolina's communities.

Requested by: Senators Cochrane, Hartsell, Shaw, Odom, Cooper, Daniel, Plyler, Representatives Nesbitt, Diamont, Nye, Easterling, Redwine, Fitch, McAllister, Berry, Balmer, Creech, H. Hunter

WELFARE REFORM STUDY

Sec. 47. (a) There is created the Legislative Study Commission on Welfare Reform. The Commission shall consist of 14 members as follows:

- (1) Five members of the House of Representatives appointed by the Speaker of the House of Representatives;

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

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

(c) The Commission shall study the whole issue of the need for welfare reform in light of the current social crisis caused, in part, by the rapidly increasing incidence of violent crimes. This study shall include:

- (1) A reexamination of the whole purpose of the welfare system and an identification of those disincentives to raising responsible, independent participants in society that are built into the system;
- (2) An analysis of the federal welfare reform proposals and of other states' initiatives; and
- (3) A compilation and detailed examination, including detailed fiscal analysis, of proposals to reform the welfare system.

(d) The reexamination prescribed by subdivision (1) of this subsection shall specifically include consideration of the following bills introduced in the 1993 General Assembly, Extra Session 1994: House Bill 141, introduced by Representative Fitch, House Bill 209, introduced by Representative McAllister, House Bill 80, introduced by Representative Berry, Senate Bill 129, introduced by Senator Cochran, and any other welfare reform initiatives introduced in this session.

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

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

(g) Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1 or G.S. 138-5, as appropriate.

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

of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission.

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

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

Requested by: Senators Forrester, Cochrane, Hartsell, Shaw, Ballance, Odom, Daniel, Plyler, Representatives Nesbitt, Diamont

LRC STUDY ON THE CAUSES OF CRIME IN NORTH CAROLINA

Sec. 48. (a) The Legislative Research Commission may study the causes of crime in North Carolina. This study may include:

- (1) Review of available information regarding the causes of crime in North Carolina, including relevant criminological, behavioral, sociological, and social sciences data, and other pertinent information on crime;
- (2) Review of the relationship between adolescent childbearing and criminal behavior of adolescent parents and of children born to adolescent parents;
- (3) Conducting public hearings on the causes of crime in North Carolina;
- (4) Review of studies regarding the causes of crime conducted by public and private entities of other jurisdictions; and
- (5) Development of legislative recommendations calculated to address effectively the root causes of crime in North Carolina.

(b) The LRC may make its final report on the study authorized under this section to the 1995 General Assembly.

Requested by: Senators Simpson, Cochrane, Hartsell, Shaw, Cooper, Soles, Daniel, Plyler, Representatives Nesbitt, Diamont

JOINT LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE

Sec. 49. (a) Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 12J.

"Joint Legislative Corrections Oversight Committee.

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

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

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

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

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

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

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

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

- (1) Study the budget, programs, and policies of the Department of Correction, to determine ways in which the General Assembly may improve the effectiveness of that Department;
- (2) Examine the effectiveness of the Department of Correction in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release; and
- (3) Study any other corrections matters that the Committee considers necessary.

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

"§ 120-70.95. Organization of Committee.

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

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

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire

employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

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

Requested by: Senators Odom, Daniel, Plyler, Representatives Nesbitt, Diamont
LRC FARM CAMP STUDY

Sec. 50. The Legislative Research Commission may study the feasibility of establishing a Farm Camp Program for troubled youth. For purposes of this study, the term "troubled youth" means: (i) juvenile delinquents who would otherwise be committed to training schools, and (ii) individuals under the age of 21 years who are guilty of nonviolent felony offenses. The Department of Correction, the Department of Human Resources, the Division of Youth Services, and the Administrative Office of the Courts shall cooperate in the study. The study may include:

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

Requested by: Senators Kincaid, Soles, Daniel, Plyler, Representatives Nesbitt,
Diamont

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

Sec. 51. The North Carolina Courts Commission shall study whether to:

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

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

Requested by: Senators Kincaid, Soles, Daniel, Plyler, Representatives Nesbitt, Diamont

COURTS COMMISSION STUDY CONCURRENT JURISDICTION BETWEEN THE DISTRICT AND SUPERIOR COURTS FOR DISPOSITION OF CERTAIN FELONIES

Sec. 52. The North Carolina Courts Commission shall study whether to provide concurrent jurisdiction between the district and superior courts for the disposition of certain felonies.

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

Requested by: Representatives Ellis, Nesbitt, Diamont, Senators Daniel, Plyler, Odom, Ballance

LRC STUDY PLACEMENT OF FELONS 16 YEARS OF AGE OR OLDER IN PRIVATE CORRECTIONAL FACILITIES

Sec. 53. The Legislative Research Commission may study whether felons 16 years of age or older who are sentenced to State prison may be housed in private correctional facilities that equal or exceed the standards for adult correctional institutions of the American Correctional Association for construction and habitation. The report shall be made to the 1993 General Assembly, Regular Session 1994.

PART 16. TECHNICAL CHANGES

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

CORRECT OMISSION IN CHAPTER 561

Sec. 54. Chapter 561 of the 1993 Session Laws is amended by adding the following new section to read:

"MOST TEXT APPLIES ONLY TO 1993-95 BIENNIUM

Sec. 23.1. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1993-95 biennium, the textual

provisions of this act shall apply only to funds appropriated for and activities occurring during the 1993-95 biennium."

Requested by: Senators Plyler, Daniel, Representatives Nesbitt, Diamont
EXTEND REPORTING DATE OF BUDGET PRACTICES STUDY COMMISSION

Sec. 55. Sec. 22(f) of Chapter 321 of the 1993 Session Laws reads as rewritten:

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

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
LEGISLATIVE STUDY COMMISSION ON COMMUNITY COLLEGE CAPITAL NEEDS REPORT EXTENSION

Sec. 56. (a) The second paragraph of Section 6(b)II. of Chapter 542 of the 1993 Session Laws reads as rewritten:

"It is the intent of the General Assembly to appropriate the proceeds of the bonds and notes in 1994 or at a subsequent session based on consideration of the recommendations of the Legislative Study Commission on Community College Capital Needs ~~in its report~~ to be submitted to the General Assembly ~~by April 1994~~ as provided in Section 11 of this act. Actual appropriations by the General Assembly in 1994 or at a subsequent session may be made without regard to the expressed intentions set forth above."

(b) Section 11(7) of Chapter 542 of the 1993 Session Laws reads as rewritten:

"(7) The Commission ~~shall make a final report to the General Assembly by April 1, 1994.~~ may make an interim report to the 1994 Regular Session of the 1993 General Assembly and shall make a final report to the General Assembly not later than its convening in 1995. Any appropriations recommended by the Commission in an interim report shall be the final recommendations with respect to those appropriations."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
LEGISLATIVE STUDY COMMISSION ON ECONOMIC INCENTIVES TO LURE INDUSTRY REPORTING EXTENSION

Sec. 57. Section 103 (d) of Chapter 561 of the 1993 Session Laws reads as rewritten:

"(d) The Commission ~~shall~~ may submit a report to the 1993 General Assembly, Regular Session 1994 and shall submit a final report of its findings and recommendations to the 1995 General Assembly on or before April 15, 1994, its convening, by filing the report with the Speaker of the House of Representatives and the

President Pro Tempore of the Senate. Upon filing its final report, the Commission shall terminate."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

FISCAL TRENDS AND REFORM COMMITTEE REPORTING EXTENSION

Sec. 58. Section 169 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 169. The Legislative Research Commission may study, ~~and the Fiscal Trends Study Commission shall study,~~ all appropriations from the Highway Fund to agencies other than the Department of Transportation, including the Highway Patrol, Department of Correction, and Department of Public Instruction, and ~~shall~~ may report to the ~~General Assembly by the first day of the 1994 Regular Session~~ 1994 Regular Session of the 1993 General Assembly and the 1995 General Assembly on or before its convening on the appropriateness of these appropriations, the trends of these appropriations, on how the future growth in these appropriations can be limited, and on a policy on what type of programs can be funded from the Highway Fund."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

LEGISLATIVE RESEARCH COMMISSION (REFERRED DRIVER EDUCATION PROGRAM TO JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE)

Sec. 59. Section 144.3 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 144.3. The Legislative Research Commission shall study the driver education program offered by the public schools. The study shall consider:

- (1) The efficiency of the program and the impact on the efficiency of the program of the 1991 statutory changes allowing local boards of education to contract with public or private entities to provide driver education;
- (2) The impact on parents and students, especially in rural areas, of the State Board of Education rule requiring that driver education be offered outside of the regular instructional day; and
- (3) The overall cost of the program and the projected five-year cost of the program.

The Commission ~~shall~~ may make an interim report the results of its study by April 15, 1994, to the 1994 Regular Session of the 1993 General Assembly and a final report to the 1995 General Assembly upon its convening."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

LEGISLATIVE STUDY COMMISSION ON STATUS OF EDUCATION AT THE UNIVERSITY OF NORTH CAROLINA

Sec. 60. Section 101.5(g) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(g) The Commission shall make ~~an interim report~~ interim reports, as it deems appropriate, to the Joint Legislative Education Oversight Committee ~~no later than April 15, 1994,~~ and shall make a final report to the Joint Legislative Education Oversight Committee no later than ~~February 15, 1995,~~ March 1, 1995, at which time the Commission shall terminate."

PART 17. CAPITAL IMPROVEMENT PROVISIONS

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

RESERVE FOR ADVANCE PLANNING

Sec. 61. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

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

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

Sec. 62. When each capital improvement project appropriated by the 1994 Extra Session of the General Assembly, other than those projects under the Board of Governors of The University of North Carolina, is placed under construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

PROJECT COST INCREASE

Sec. 63. Upon the request of the administration of a State department or institution, the Director of the Budget may, when in the Director's opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, the Director shall report that action to the Joint Legislative Commission on Governmental

Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

NEW PROJECT AUTHORIZATION

Sec. 64. Upon the request of the administration of any State department or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-liquidating indebtedness. Provided, however, that if the Director of the Budget authorizes the construction of such a capital improvement project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

Sec. 65. Funds which become available by gifts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly, or any other funds available to a State department or institution may be utilized for advance planning through the working-drawing phase of capital improvement projects, upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Fund for advance planning through the working-drawing phase of capital improvement projects, except that this revolving fund may not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

APPROPRIATIONS LIMITS/REVERSION OR LAPSE

Sec. 66. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1994 Extra Session of the General Assembly may be expended only for specific projects set out by the 1994 Extra Session of the General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1994 Extra Session of the General Assembly shall be commenced, or self-liquidating indebtedness with respect to them shall be incurred no later than the end of the 1993-95 biennium. If construction contracts on those projects have not been awarded or self-liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self-liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in this act. This deadline with respect to both direct and self-liquidating appropriations may be extended with the

approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

Requested by: Senators Daniel, Plyler, Gulley, Representatives Nesbitt, Diamont, Moore, Wilkins

CONSTRUCTION FUND LIMITATIONS/RESERVE FOR CONSTRUCTION OF DETENTION CENTER/RELOCATE UMSTEAD PRISON BEDS

Sec. 67. (a) With respect to funds appropriated in this act for construction of additional prison beds at Piedmont, Lumberton, Pender, Wayne, and Brown Creek, the Director of the Budget may increase or decrease the amount allocated to a particular institution within the aggregate amount of construction funds available, and the Secretary of Correction may, as appropriate and necessary, authorize construction of those beds at other facilities owned and operated by the Division of Prisons.

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

The facilities authorized under this act shall be constructed in accordance with the provisions of general law applicable to the construction of State facilities. If the Secretary of Administration, after consultation with the Secretary of Correction, finds that the delivery of facilities must be expedited for good cause, the Office of State Construction of the Department of Administration shall be exempt from the following statutes and rules implementing those statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1 through 143-408.7.

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

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

The Office of State Construction of the Department of Administration shall involve the Department of Correction in all aspects of the projects to the extent that

such involvement relates to the Department's program needs and to its responsibility for the care of the prison population.

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

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

(d) The two 50-bed dormitories authorized for construction at Umstead Correctional Center pursuant to Section 3 of Chapter 550 of the 1993 Session Laws shall not be constructed at Umstead Correctional Center. The Secretary of Correction shall authorize the construction of those beds at other facilities owned and operated by the Division of Prisons.

(e) Of the funds appropriated to the Department of Human Resources in this act, the sum of one million six hundred thousand dollars (\$1,600,000) for the 1994-95 fiscal year shall be held in a reserve for the construction of one detention center, to be available for allocation as prescribed by the 1993 General Assembly, Regular Session 1994. The Joint House and Senate Human Resources Appropriations Subcommittees shall receive and review the findings and recommendations of the Juvenile Secure Custody Study authorized in Section 87 of Chapter 561 of the 1993 Session Laws to determine if these reserved funds need to be expended for the construction.

PART 18. MISCELLANEOUS PROVISIONS

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

EFFECT OF HEADINGS

Sec. 68. The headings to the Parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

EXECUTIVE BUDGET ACT REFERENCE

Sec. 69. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
MOST TEXT APPLIES ONLY TO 1993-95 BIENNIUM

Sec. 70. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1993-95 biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1993-95 biennium.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
SEVERABILITY CLAUSE

Sec. 71. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
1993-94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 72. Except where expressly repealed or amended by this act, the provisions of Chapters 321 and 561 of the 1993 Session Laws remain in effect. Section 9 of Chapter 321 of the 1993 Session Laws does not apply to this act.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
EFFECTIVE DATE

Sec. 73. Except as otherwise provided, this act is effective upon ratification. In the General Assembly read three times and ratified this the 26th day of March, 1994.

Marc Basnight
President Pro Tempore of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives