

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 642

Short Title: Mandatory Education for Inmates.

(Public)

Sponsors: Senator Shaw.

Referred to: Education/Higher Education.

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MANDATORY EDUCATION PROGRAM FOR  
INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 148 of the General Statutes is amended by adding a  
new section to read:

**"§ 148-20.1. Mandatory education for inmates.**

(a) The General Assembly finds that all capable inmates committed to the custody of the Department of Correction should be provided with mandatory education in order to (i) improve their educational status while incarcerated; (ii) improve their prospects of becoming law-abiding and self-supporting citizens upon their release from prison; and (iii) develop a trade or skill during their incarceration.

(b) Every inmate who has not obtained a high school diploma or general education certificate shall participate in a general education development (GED) program. In addition to providing a general education to those inmates not possessing one, the Department shall design its mandatory education to ensure that all inmates who do not possess a marketable trade or skill are provided with the opportunity to develop such a trade or skill prior to their release from custody. The Department shall make use of resources available through the North Carolina Community College System to provide inmates with the education and training mandated by this section.

(c) Failure to faithfully participate in this mandatory program shall result in disciplinary measures to be determined by the Department, including the potential loss of sentence credits earned prior to that failure. As used in this section, the term "faithfully participate" means that an inmate makes a good-faith effort to attend classes, complete assignments, and follow the teacher's instructions. An inmate who refuses to attend class or who becomes a disruptive force in the classroom fails to meet this standard.

(d) An inmate found to be incapable of performing particular mandatory education program assignments as a result of mental incapacity or other valid reason,

1 based upon the judgment of the teacher or other qualified professional, may be excused  
2 from participation in that assignment or in the program, as applicable. In such cases, the  
3 Department shall make a good-faith effort to provide suitable training for that inmate to  
4 ensure that the inmate possesses a marketable trade or skill upon release from custody."

5         **SECTION 2.** The Department of Correction shall develop a plan for  
6 recouping the cost of providing the mandatory education program to an inmate once the  
7 inmate has been released from custody and has become reestablished in society. The  
8 Department shall report on this plan to the Joint Legislative Corrections, Crime Control,  
9 and Juvenile Justice Oversight Committee by March 1, 2006.

10         **SECTION 3.** This act becomes effective October 1, 2005, and applies to  
11 inmates convicted on or after that date.