

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS75277-LL-194 (03/13)**

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Short Title: Private Correctional Officers.

(Public)

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Sponsors: Senator Jones.

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Referred to:

1                           **A BILL TO BE ENTITLED**  
2    AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE  
3    CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT  
4    WITH THE FEDERAL BUREAU OF PRISONS.

5   The General Assembly of North Carolina enacts:

6       **SECTION 1.** G.S. 148-37.3 reads as rewritten:

7       **"§ 148-37.3. Authority of private correctional officers employed pursuant to a**  
8       **contract with the Federal Bureau of Prisons.**

9       (a) Correctional officers and security supervisors employed at private  
10      correctional facilities pursuant to a contract between their employer and the Federal  
11      Bureau of Prisons may, in the course of their employment as correctional officers or  
12      security supervisors, use necessary force and make arrests consistent with the laws  
13      applicable to the North Carolina Department of Correction, which force shall not exceed  
14      that authorized to Department of Correction officers, provided that ~~the Department of~~  
15      ~~Correction determines that as of August 18, 2001,~~ the employment policies of such  
16      private corporations meet the same minimum standards and practices followed by the  
17      Department of Correction in employing its correctional personnel, and if:

- 18       (1) Those correctional officers and security supervisors have been  
19      certified as correctional officers as provided under Chapter 17C of the  
20      General Statutes; or  
21       (2) Those correctional officers and security supervisors employed by the  
22      private corporation at the facility have completed a training curriculum  
23      that ~~the Department of Correction has determined~~ meets or exceeds the  
24      standards required by the North Carolina Criminal Justice Education  
25      and Training Standards Commission for correctional personnel. ~~The~~  
26      ~~Department may require that it be notified of the names and positions~~  
27      ~~of such persons prior to such persons beginning duties at the~~

1                   ~~correctional facility, and the names and positions of those persons  
2 already employed at the correctional facility on August 18, 2001 and  
3 that the Department be notified when any such person is no longer  
4 employed in such duties at the correctional facility.~~

5       (b) Any private corporation described in subsection (a) of this section shall  
6 without limit defend, indemnify, and hold harmless the State, its officers, employees,  
7 and agents from any claims arising out of the operation of the private correctional  
8 facility, or the granting of the powers authorized under this section, including any  
9 attorneys' fees or other legal costs incurred by the State, its officers, employees, or  
10 agents as a result of such claims.

11     (c) Any private corporation described in subsection (a) of this section shall  
12 reimburse the State and any county or other law enforcement agency for the full cost of  
13 any additional expenses incurred by the State or the county or other law enforcement  
14 agency in connection with the pursuit and apprehension of an escaped inmate from the  
15 facility.

16     In the event of an escape from the facility, any private corporation described in  
17 subsection (a) of this section shall immediately notify the sheriff in the county in which  
18 the facility is located and shall notify the Department of Correction which located, who  
19 shall cause an immediate entry into the State Bureau of Investigation Division of  
20 Criminal Information network. The sheriff of the county in which the facility is located  
21 shall be the lead law enforcement officer in connection with the pursuit and  
22 apprehension of an escaped inmate from the facility.

23     (d) Any private corporation described in subsection (a) of this section must  
24 maintain in force liability insurance to satisfy any final judgment rendered against the  
25 private corporation or the State, its officers, employees, and agents that arises out of the  
26 operation of the correctional facility or the indemnification requirements in subsection  
27 (b) of this section. The minimum amount of liability insurance that will be required  
28 under this section is ten million dollars (\$10,000,000) per occurrence, and twenty-five  
29 million dollars (\$25,000,000) aggregate per occurrence. The private corporation shall  
30 ensure that its insurance company shall provide the Department of Correction Secretary  
31 of State with a current Certificate of Insurance evidencing compliance with the  
32 requirements of this subsection ~~within 10 days of August 18, 2001 and annually  
33 thereafter on July 1 of each year.~~

34     (e) The Department of Correction Justice shall adopt rules to implement the  
35 provisions of this section.

36     (f) The authority set forth in this section to use necessary force and make arrests  
37 shall be in addition to any existing authority set forth in the statutory or common law of  
38 the State, but shall not exceed the authority to use necessary force and make arrests set  
39 out in subsection (a) of this section.

40     (g) A private corporation described in subsection (a) of this section shall bear the  
41 reasonable costs of services provided by the Department of Correction State, its officers,  
42 employees, and agents for the corporation. The amount of the costs shall be determined  
43 by the Secretary of the Department Attorney General.

1       (h) This section is effective August 18, 2001 and applies to private correctional  
2 facilities and the employees of those correctional facilities constructed and contracted to  
3 be operated by August 18, 2001."

4       **SECTION 2.** This act becomes effective July 1, 2007.