

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 18*
Committee Substitute Favorable 3/30/89
Committee Substitute #2 Favorable 8/3/89
Fourth Edition Engrossed 8/8/89

Short Title: Satellite Jail Fund.

(Public)

Sponsors:

Referred to:

January 13, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO DESIGNATE APPROPRIATED FUNDS FOR THE
3 ADMINISTRATION OF THE SATELLITE JAIL/WORK RELEASE UNIT FUND
4 AND TO REDUCE PRISON AND JAIL OVERCROWDING.

5 The General Assembly of North Carolina enacts:

6 Section 1. From the funds appropriated to the Office of State Budget and
7 Management for the 1989-90 fiscal year and the 1990-91 fiscal year for the County
8 Satellite Jail/Work Release Units, the Office of State Budget and Management may use
9 no more than one percent (1%) of the funds appropriated for costs of administering the
10 Fund. These funds shall not revert at the end of the fiscal year for which they are
11 appropriated but shall remain available until expended for the County Satellite
12 Jail/Work Release Units Fund.

13 Sec. 2. G. S. 153A-230.2 reads as rewritten:

14 **"§ 153A-230.2. Creation of Satellite Jail/Work Release Unit Fund.**

15 (a) There is created in the Office of State Budget and Management the County
16 Satellite Jail/Work Release Unit Fund to provide State grant funds for counties or
17 groups of counties for construction of satellite jail/work release units for certain
18 misdemeanants who receive active sentences. A county or group of counties may apply
19 to the Office for a grant under this section. The application shall be in a form
20 established by the Office. The Office shall:

- 1 (1) Develop application and grant criteria based on the basic requirements
2 listed in this Part,
- 3 (2) Provide all Boards of County Commissioners and Sheriffs with the
4 criteria and appropriate application forms, technical assistance, if
5 requested, and a proposed written agreement,
- 6 (3) Review all applications,
- 7 (4) Select grantees and award grants,
- 8 (5) Award no more than ~~one million five hundred thousand dollars~~
9 ~~(\$1,500,000)~~ seven hundred fifty thousand dollars (\$750,000) for any
10 one county or group of counties except that if a group of counties
11 agrees to jointly operate one unit for males and one unit for females,
12 the maximum amount may be awarded for each unit,
- 13 (6) Take into consideration the potential number of misdemeanants and
14 the percentage of the county's or counties' misdemeanor population to
15 be diverted from the State prison system,
- 16 (7) Take into consideration the utilization of existing buildings suitable for
17 renovation where appropriate,
- 18 (8) Take into consideration the timeliness with which a county proposes to
19 complete and occupy the unit,
- 20 (9) Take into consideration the appropriateness and cost effectiveness of
21 the proposal,
- 22 (10) Take into consideration the plan with which the county intends to
23 coordinate the unit with other community service programs such as
24 intensive probation, community penalties, and community service.

25 When considering the items listed in subdivisions (6) through (10), the Office shall
26 determine the appropriate weight to be given each item.

27 (b) A county or group of counties is eligible for a grant under this section if it
28 agrees to abide by the basic requirements for satellite jail/work release units established
29 in G.S. 153A-230.3. In order to receive a grant under this section, there must be a
30 written agreement to abide by the basic requirements for satellite jail/work release units
31 set forth in G.S. 153A-230.3. The written agreement shall be signed by the Chairman of
32 the Board of County Commissioners, with approval of the Board of County
33 Commissioners and after consultation with the Sheriff, and a representative of the
34 Office of State Budget and Management. If a group of counties applies for the grant,
35 then the agreement must be signed by the Chairman of the Board of County
36 Commissioners of each county. Any variation from, including termination of, the
37 original signed agreement must be approved by both the Office of State Budget and
38 Management and by a vote of the Board of County Commissioners of the county or
39 counties.

40 When the county or group of counties receives a grant under this section, the county
41 or group of counties accepts ownership of the satellite jail/work release unit and full
42 financial responsibility for maintaining and operating the unit, and for the upkeep of its
43 occupants who comply with the eligibility criteria in G.S. 153A-230.3(a)(1). The
44 county shall receive from the Department of Correction the amount paid to local

1 confinement facilities under G.S. 148-32.1 for prisoners which are in the unit, but do not
2 meet the eligibility requirements under G.S. 153A-230.3(a)(1)."

3 Sec. 3. G.S. 148-32.1(b) reads as rewritten:

4 "(b) In the event that the custodian of the local confinement facility certifies in
5 writing to the clerk of the superior court in the county in which said local confinement
6 facility is located that the local confinement facility is filled to capacity, or that the
7 facility cannot reasonably accommodate any more prisoners due to segregation
8 requirements for particular prisoners, or that the custodian anticipates, in light of local
9 experiences, an influx of temporary prisoners at that time, or if the local confinement
10 facility does not meet the minimum standards published pursuant to G.S. 153A-221, any
11 judge of the district court in the district court district as defined in G.S. 7A-133 where
12 the facility is located, or any superior court judge who has jurisdiction pursuant to G.S.
13 7A-47.1 or 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the
14 facility is located may order that the prisoner be transferred to any other qualified local
15 confinement facility within that district or within another such district where space is
16 available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the
17 prisoner is a non-violent misdemeanor, which local facility shall accept the transferred
18 prisoner, if the prison population has exceeded the limits established in G.S. 148-4.1(d).
19 If no such local confinement facility is available, then any such judge may order the
20 prisoner transferred to such camp or facility as the proper authorities of the Department
21 of Correction shall designate, notwithstanding that the term of imprisonment of the
22 prisoner is 180 days or less. In no event, however, shall a prisoner whose term of
23 imprisonment is less than 30 days be assigned or ordered transferred to any such camp
24 or facility."

25 Sec. 4. G.S. 153A-230.3 is amended by adding a new subsection to read:

26 "(a1) Non-eligible for unit - If the sentencing judge finds that the misdemeanor
27 does not meet the eligibility criteria set forth in G.S. 135A-230.3(a)(1)b., but is
28 otherwise eligible for placement in the unit, then the Sheriff may transfer the
29 misdemeanant from the local confinement facility to the unit if the misdemeanor meets
30 the eligibility criteria at a later date."

31 Sec. 5. G.S. 153A-230.5(a) reads as rewritten:

32 "(a) If a county is operating a satellite jail/work release unit prior to the enactment
33 of this act, the county may apply to the Office of State Budget and Management for
34 grant funds to recover any verifiable construction or renovation costs for those units and
35 for improvement funds except that the total for reimbursement and improvement shall
36 not exceed ~~one million five hundred thousand dollars (\$1,500,000)~~ seven hundred fifty
37 thousand dollars (\$750,000). Any county accepting such a grant or any other State
38 monies for county satellite jails must agree to all of the basic requirements listed in G.S.
39 153A-230.2 and G.S. 153A-230.3."

40 Sec. 6. This act shall become effective July 1, 1989.