

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 761
HOUSE BILL 18

AN ACT TO DESIGNATE APPROPRIATED FUNDS FOR THE
ADMINISTRATION OF THE SATELLITE JAIL/WORK RELEASE UNIT FUND
AND TO REDUCE PRISON AND JAIL OVERCROWDING.

The General Assembly of North Carolina enacts:

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

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

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

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

- (1) Develop application and grant criteria based on the basic requirements listed in this Part,
- (2) Provide all Boards of County Commissioners and Sheriffs with the criteria and appropriate application forms, technical assistance, if requested, and a proposed written agreement,
- (3) Review all applications,
- (4) Select grantees and award grants,
- (5) Award no more than ~~one million five hundred thousand dollars (\$1,500,000)~~ seven hundred fifty thousand dollars (\$750,000) for any one county or group of counties except that if a group of counties agrees to jointly operate one unit for males and one unit for females, the maximum amount may be awarded for each unit,
- (6) Take into consideration the potential number of misdemeanants and the percentage of the county's or counties' misdemeanor population to be diverted from the State prison system,

- (7) Take into consideration the utilization of existing buildings suitable for renovation where appropriate,
- (8) Take into consideration the timeliness with which a county proposes to complete and occupy the unit,
- (9) Take into consideration the appropriateness and cost effectiveness of the proposal,
- (10) Take into consideration the plan with which the county intends to coordinate the unit with other community service programs such as intensive probation, community penalties, and community service.

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

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

When the county or group of counties receives a grant under this section, the county or group of counties accepts ownership of the satellite jail/work release unit and full financial responsibility for maintaining and operating the unit, and for the upkeep of its occupants who comply with the eligibility criteria in G.S. 153A-230.3(a)(1). The county shall receive from the Department of Correction the amount paid to local confinement facilities under G.S. 148-32.1 for prisoners which are in the unit, but do not meet the eligibility requirements under G.S. 153A-230.3(a)(1)."

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

"(b) In the event that the custodian of the local confinement facility certifies in writing to the clerk of the superior court in the county in which said local confinement facility is located that the local confinement facility is filled to capacity, or that the facility cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners, or that the custodian anticipates, in light of local experiences, an influx of temporary prisoners at that time, or if the local confinement facility does not meet the minimum standards published pursuant to G.S. 153A-221, any judge of the district court in the district court district as defined in G.S. 7A-133 where the facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the facility is located may order that the prisoner be transferred to any other qualified local confinement facility within that district or within another such district where space is

available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the prisoner is a non-violent misdemeanor, which local facility shall accept the transferred prisoner, if the prison population has exceeded the limits established in G.S. 148-4.1(d). If no such local confinement facility is available, then any such judge may order the prisoner transferred to such camp or facility as the proper authorities of the Department of Correction shall designate, notwithstanding that the term of imprisonment of the prisoner is 180 days or less. In no event, however, shall a prisoner whose term of imprisonment is less than 30 days be assigned or ordered transferred to any such camp or facility."

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

"(a1) Non-eligible for unit - If the sentencing judge finds that the misdemeanor does not meet the eligibility criteria set forth in G.S. 135A-230.3(a)(1)b., but is otherwise eligible for placement in the unit, then the Sheriff may transfer the misdemeanor from the local confinement facility to the unit if the misdemeanor meets the eligibility criteria at a later date. The Sheriff may also transfer prisoners who were placed in the unit pursuant to G.S. 148-32.1(b) to the local confinement facility when space becomes available."

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

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

Sec. 6. G.S. 15A-1352(a) reads as rewritten:

"(a) A person sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Department of Correction or to a local confinement facility. If the sentence imposed for a misdemeanor is for a period of 180 days or less, the commitment must be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the ~~judge-custodian of the local confinement facility may transfer order~~ the misdemeanor to be placed in a county satellite jail/work release unit."

Sec. 7. G.S. 153A-230.3(a) reads as rewritten:

"(a) Eligibility for Unit. – The following rules shall govern which misdemeanants are housed in a satellite jail/work release unit:

- (1) Any convicted misdemeanant who:
 - a. Receives an active sentence in the county or group of counties operating the unit,
 - b. Is employed in the area or can otherwise earn his keep by working at the unit on maintenance and other jobs related to upkeep and operation of the unit or by assignment to community service work, and
 - c. Consents to placement in the unit under these conditions, shall not be sent to the State prison system except by written findings of the sentencing judge that the misdemeanant is violent or otherwise a threat to the public and therefore unsuitable for confinement in the unit.
- (2) The County shall offer work release programs to both male and female misdemeanants, through local facilities for both, or through a contractual agreement with another entity for either, provided that such arrangement is in reasonable proximity to the misdemeanant's workplace.
- (3) The sentencing judge shall make a finding of fact as to whether the misdemeanant is qualified for occupancy in the unit pursuant to G.S. 15A-1352(a). If the sentencing judge determines that the misdemeanant is qualified for occupancy in the unit and the misdemeanant meets the requirements of subdivision (1), then the ~~judge~~ custodian of the local confinement facility may transfer ~~order~~ the misdemeanant to ~~be placed in~~ the unit. If at any time either prior to or after placement of an inmate into the unit the Sheriff determines that there is an indication of violence, unsuitable behavior, or other threat to the public that could make the prisoner unsuitable for the unit, the Sheriff may ~~hold place~~ the prisoner in the county jail ~~while petitioning the court for a final decision regarding placement of the prisoner.~~
- (4) The Sheriff may accept work release misdemeanants from other counties provided that those inmates agree to pay for their upkeep, that space is available, and that the Sheriff is willing to accept responsibility for the prisoner after screening.
- (5) The Sheriff may accept work release misdemeanants or felons from the Department of Correction provided that those inmates agree to pay for their upkeep, that space is available, and that the Sheriff is willing to accept responsibility for the prisoner after screening."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 11th day of August, 1989.