

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1502*

Short Title: Prison Capital Funds.

(Public)

Sponsors: Senators Parnell; Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward.

Referred to: Appropriations.

June 4, 1990

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF ADDITIONAL PRISON BEDS, TO REPLACE AGING PRISON FACILITIES, AND TO RAISE THE PRISON POPULATION CAP.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Office of State Budget and Management the sum of \$130,267,530 for the 1990-91 fiscal year for the construction of 3,880 prison beds as follows:

1990-91

10	a.	Processing center	\$24,585,834	
11	b.	Single cell mental health facility	5,956,906	
12	c.	Medium custody dormitories:		
13		Caswell		3,456,536
14		Randolph		6,239,363
15		Columbus		3,087,200
16		Pender		4,610,628
17		Montgomery		4,227,592
18	d.	Southwest Institution	28,724,300	
19	e.	Nash Institution, medium/minimum		
20		custody		5,687,392
21	f.	Triangle at new location - minimum	1,905,200	

- 1 g. Anson - new medium custody 16,625,417
- 2 h. Burke - minimum youth 2,796,816
- 3 i. New Eastern Youth Center 5,990,292
- 4 j. New beds at Polk replacement
- 5 (amount included in Polk
- 6 replacement in Section 2) -
- 7 k. North Carolina Correctional
- 8 Institution for Women (NCCIW) 16,374,054.

9 Of these 3,880 beds, 3,296 beds shall be completed by July 1, 1992. Of these
10 3,296 beds, 1,500 beds shall be built using rapid construction techniques and shall be
11 on-line within 12 months of funding.

12 Sec. 2. There is appropriated from the General Fund to the Office of State
13 Budget and Management the sum of \$52,025,251 for the 1990-91 fiscal year for the
14 construction of 1,152 replacement prison beds as follows:

- 15 1990-91
- 16 a. K and O dorms - Central Prison \$6,381,453
- 17 b. A and B dorms - NCCIW 3,720,110
- 18 c. Polk Youth Institution (includes
- 19 cost of new beds listed in
- 20 Section 1) 32,536,211
- 21 d. Triangle Correctional Institution 9,387,477.

22 Sec. 3. Of the funds appropriated in Sections 1 and 2, the Office of State
23 Budget and Management shall have a verifiable ten percent (10%) goal for participation
24 by minority businesses; however, it may contract for and supervise all aspects of
25 administration, technical assistance, design, construction, or demolition of prison
26 facilities without being subject to the requirements of the following statutes and rules
27 implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-132, 143-134,
28 143-131, 143-64.10 through 143-64.13, 113A-1 through 113A-10, 113A-50 through
29 113A-66, 133-1.1(b), and 133-1.1(g). All contracts for the design, construction, or
30 demolition of these facilities shall include a penalty for failure to complete work by a
31 specified date.

32 Sec. 4. The Office of State Budget and Management shall report to the
33 Cochairman of the Prison Construction Subcommittee of the Joint Legislative
34 Commission on Governmental Operations at least monthly, and shall report quarterly to
35 the Joint Legislative Commission on Governmental Operations and the Fiscal Research
36 Division on the funds appropriated by this act. The reports shall include information on
37 which contractors have been selected, what contracts have been entered into, the
38 projected and actual occupancy dates of facilities contracted for, the number of prison
39 beds to be constructed on each project, the location of each project, and the actual cost
40 of each project.

41 Sec. 5. The funds appropriated pursuant to this act may be used only for the
42 purposes described and shall not revert. Because of the critical need for construction of
43 these facilities, the General Assembly urges the Governor to permit expenditure of these

1 funds even if he is required to effect the necessary economies in State expenditures
2 pursuant to Article III, Section 5 of the North Carolina Constitution.

3 Sec. 6. Effective December 1, 1990, G.S. 148-4.1 reads as rewritten:

4 **"§ 148-4.1. Release of inmates.**

5 (a) Whenever the Secretary of Correction determines from data compiled by the
6 Department of Correction that it is necessary to reduce the prison population to a more
7 manageable level, he shall direct the Parole Commission to release on parole over a
8 reasonable period of time a number of prisoners sufficient to that purpose.

9 (b) Except as provided in subsection (c) and (e), only inmates who are otherwise
10 eligible for parole pursuant to Article 85 of Chapter 15A or pursuant to Article 3B of
11 this Chapter may be released under this section.

12 (c) Persons eligible for parole under Article 85A of Chapter 15A shall be eligible
13 for early parole under this section nine months prior to the discharge date otherwise
14 applicable, and six months prior to the date of automatic 90-day parole authorized by
15 G.S. 15A-1380.2.

16 (d) If the number of prisoners housed in facilities owned or operated by the State
17 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
18 ~~18,715~~19,465 for 15 consecutive days, the Secretary of Correction shall notify the
19 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
20 notification, the Parole Commission shall within 90 days release on parole a number of
21 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
22 ~~18,715~~19,465.

23 From the date of the notification until the prison population has been reduced to
24 ninety-seven percent (97%) of ~~18,715~~19,465, the Secretary may not accept any inmates
25 ordered transferred from local confinement facilities to the State prison system under
26 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
27 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
28 confinement facility from which the inmate was transferred.

29 (e) In addition to those persons otherwise eligible for parole, from the date of
30 notification in subsection (d) until the prison population has been reduced to ninety-
31 seven percent (97%) of ~~18,715~~19,465, any person imprisoned only for a misdemeanor
32 also shall be eligible for parole and immediate termination upon admission,
33 notwithstanding any other provision of law, except those persons convicted under G.S.
34 20-138.1 of driving while impaired or any offense involving impaired driving.

35 (f) In complying with the mandate of subsection (d), the Parole Commission may
36 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
37 be paroled under this section so long as the prison population does not exceed
38 ~~18,715~~19,465.

39 (g) In order to meet the requirements of this section, the Parole Commission shall
40 not parole any person convicted under Article 7A of Chapter 14 of a sex offense, under
41 G.S. 14-39, 14-41, or 14-43.3, under G.S. 90-95(h) of a drug trafficking offense, or
42 under G.S. 14-17. The Parole Commission may continue to consider the suitability for
43 release of such persons in accordance with the criteria set forth in Articles 85 and 85A
44 of Chapter 15A."

1 Sec. 7. Effective July 1, 1991, G.S. 148-4.1(d) as amended by Section 6 of
2 this act reads as rewritten:

3 "(d) If the number of prisoners housed in facilities owned or operated by the State
4 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
5 ~~19,465~~20,600 for 15 consecutive days, the Secretary of Correction shall notify the
6 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
7 notification, the Parole Commission shall within 90 days release on parole a number of
8 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
9 ~~19,465~~20,600.

10 From the date of the notification until the prison population has been reduced to
11 ninety-seven percent (97%) of ~~19,465~~20,600, the Secretary may not accept any inmates
12 ordered transferred from local confinement facilities to the State prison system under
13 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
14 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
15 confinement facility from which the inmate was transferred."

16 Sec. 8. Effective July 1, 1991, G.S. 148-4.1(e) as amended by Section 6 of
17 this act reads as rewritten:

18 "(e) In addition to those persons otherwise eligible for parole, from the date of
19 notification in subsection (d) until the prison population has been reduced to ninety-
20 seven percent (97%) of ~~19,465~~20,600, any person imprisoned only for a misdemeanor
21 also shall be eligible for parole and immediate termination upon admission,
22 notwithstanding any other provision of law, except those persons convicted under G.S.
23 20-138.1 of driving while impaired or any offense involving impaired driving."

24 Sec. 9. Effective July 1, 1991, G.S. 148-4.1(f) as amended by Section 6 of
25 this act reads as rewritten:

26 "(f) In complying with the mandate of subsection (d), the Parole Commission may
27 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
28 be paroled under this section so long as the prison population does not exceed ~~19,465~~
29 20,600."

30 Sec. 10. Section 6 of Chapter 7 of the 1987 Session Laws, as amended by
31 Section 2 of Chapter 1 of the 1989 Session Laws, reads as rewritten:

32 "Sec. 6. Sections 1, 2, and 3 of this act shall expire ~~July 1, 1991~~July 1, 1992, unless
33 reenacted by the General Assembly. The Joint Legislative Commission on
34 Governmental Operations, or other Committee designated by the Speaker of the House
35 of Representatives and the Lieutenant Governor, shall monitor the implementation of
36 this act. The Secretary of Correction and the Chairman of the Parole Commission shall
37 make a written report to the Governor, the Joint Legislative Commission on
38 Governmental Operations, the Fiscal Research Division, and the Special Committee on
39 Prisons at least one month prior to the 1991 Session of the General Assembly."

40 Sec. 11. Section 9 of Chapter 1 of the 1989 Session Laws reads as rewritten:

41 "Sec. 9. This act is effective upon ratification, but Section 1 of this act shall expire
42 ~~July 1, 1991~~July 1, 1992, unless reenacted by the General Assembly."

43 Sec. 12. This act shall become effective July 1, 1990.