

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 836
Apr 20, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30178-NDa-77

Short Title: Reentry Reform/Modification. (Public)

Sponsors: Representative Alston.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AID IN THE SUCCESSFUL REENTRY OF INCARCERATED PERSONS INTO
3 SOCIETY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 15A-173.2(b) reads as rewritten:

6 "(b) Except as otherwise provided in G.S. 15A-173.3, the court may issue a Certificate of
7 Relief if, after reviewing the petition, the individual's comprehensive criminal history as provided
8 by the district attorney, any information provided by a victim under G.S. 15A-173.6 or the district
9 attorney, and any other relevant evidence, it finds the individual has established by a
10 preponderance of the evidence all of the following:

11 (1) ~~Twelve months have passed since the individual has completed his or her~~
12 ~~sentence. For purposes of this subdivision, an individual has not completed~~
13 ~~his or her sentence until the individual has served all of the active time, if any,~~
14 ~~imposed for each offense and has also completed any period of probation,~~
15 ~~post-release supervision, and parole related to the offense that is required by~~
16 ~~State law or court order.~~

17"

18 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to
19 Certificates of Relief granted on or after that date.

20 **SECTION 2.(a)** There is appropriated from the General Fund to the Department of
21 Adult Correction the sum of one million dollars (\$1,000,000) in recurring funds in each year of
22 the 2023-2025 fiscal biennium to be used to create and support five new Local Reentry Councils.
23 The location of each Local Reentry Council created and supported under this subsection shall be
24 determined by the Secretary of the Department of Adult Correction.

25 **SECTION 2.(b)** This section becomes effective July 1, 2023.

26 **SECTION 3.(a)** Part 5 of Article 16 of Chapter 143B of the General Statutes is
27 amended by adding a new section to read:

28 "**§ 143B-1485. Basic Needs Fund.**

29 (a) Establishment of Fund. – The Basic Needs Fund is established as a special revenue
30 fund within the Department of Adult Correction. The Fund consists of General Fund
31 appropriations, grants, devises, fees, and monies contributed by State and non-State entities for
32 the purpose of providing stipends to individuals recently released from incarceration. The Fund
33 shall be managed by the Division of Community Supervision and Reentry of the Department of
34 Adult Correction.

35 (b) Use of Fund. – Beginning January 1, 2024, the Division of Community Supervision
36 and Reentry shall provide all indigent individuals released from the custody of the Department



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1 of Adult Correction with monthly stipends to be used for housing, food, clothing, and
 2 transportation. Monthly stipends provided under this section shall be provided for no more than
 3 six months following the release of an individual from the custody of the Department of Adult
 4 Correction. The amount of each monthly stipend and the number of months the individual will
 5 receive a stipend, if at all, will depend upon the individual's indigency and the availability of
 6 funds within the Basic Needs Fund. No individual may receive more than three thousand dollars
 7 (\$3,000), in total, from the Basic Needs Fund for each instance in which that individual is
 8 released from the custody of the Department of Adult Correction.

9 (c) Management of Fund. – The Division of Community Supervision and Reentry shall
 10 develop internal rules and regulations to implement the provisions of this section, including a
 11 specific test for determining indigency. The internal rules and regulations developed pursuant to
 12 this subsection shall be made publicly available and shall be posted on the Department of Adult
 13 Correction website. The Division of Community Supervision and Reentry may utilize up to the
 14 sum of one hundred thousand dollars (\$100,000) from the Basic Needs Fund in each fiscal year
 15 to implement the provisions of this section.

16 (d) Annual Reporting. – No later than October 1 of each year in which stipends are
 17 distributed from the Basic Needs Fund, the Division of Community Supervision and Reentry
 18 shall report to the Joint Legislative Oversight Committee on Justice and Public Safety regarding
 19 the general implementation of this section, the distribution of stipends from the Basic Needs
 20 Fund, and the use of funds pursuant to subsection (c) of this section."

21 SECTION 3.(b) There is appropriated from the General Fund to the Basic Needs
 22 Fund in the Department of Adult Correction the sum of one million dollars (\$1,000,000) in
 23 recurring funds in each year of the 2023-2025 fiscal biennium to be used pursuant to the
 24 provisions of G.S. 143B-1485, as enacted by this act.

25 SECTION 3.(c) This section becomes effective July 1, 2023.

26 SECTION 4.(a) G.S. 93B-2 reads as rewritten:

27 "§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to
 28 report.

29 ...

30 (e) No later than October 31 of each year, each State agency licensing board shall file
 31 electronically with the Secretary of State, the Attorney General, and the Joint Legislative
 32 Administrative Procedure Oversight Committee an annual report containing all of the following
 33 information:

- 34 (1) The number of applicants for a license and, of that number, the number
 35 granted a license.
- 36 (2) The number of applicants with a conviction record and, of that number, the
 37 number granted a license, denied a license for any reason, and denied a license
 38 because of a conviction. Of the applicants included under this subdivision, the
 39 number of applicants who were granted or denied the issuance or renewal of
 40 a license due to a conviction or criminal history that is characterized as
 41 nonviolent.

42"

43 SECTION 4.(b) Study; Report. – The Labor and Economic Analysis Division of the
 44 Department of Commerce (Division) shall collect the data sent in accordance with
 45 G.S. 93B-2(e)(2), as amended by this act, from all occupational licensing boards and State agency
 46 licensing boards and compile a report to be sent to the Joint Legislative Administrative Procedure
 47 Oversight Committee (Committee) on how many qualified job applicants with nonviolent records
 48 are denied issuance or renewal of licensure, registration, or certification due to prior criminal
 49 convictions. The Division shall report its findings to the Committee no later than April 1, 2024,
 50 and annually thereafter for three years. The Committee may report any additional data and any
 51 legislative recommendations from the Division's study to the Regular Session of the 2025

1 General Assembly upon its convening and any subsequent convening of the General Assembly
2 after the receipt of a report from the Division in accordance with this section.

3 **SECTION 4.(c)** G.S. 93B-8.1 reads as rewritten:

4 "**§ 93B-8.1. Use of criminal history records.**

5 ...

6 (b) Unless federal law governing a particular board provides otherwise, a board may deny
7 an applicant on the basis of a conviction of a crime only if the board finds that the applicant's
8 criminal conviction history is directly related to the duties and responsibilities for the licensed
9 occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding
10 any other provision of law, a board shall not automatically deny licensure on the basis of an
11 applicant's criminal history, and no board may deny an applicant a license based on a
12 determination that a conviction is for a crime of moral ~~turpitude~~. turpitude or a nonviolent crime.
13 The board shall make its determination based on the factors specified in subsection ~~(b4)~~. (b1) of
14 this section.

15 ...

16 (b4) If a board requires an applicant to submit a criminal history record, the board shall
17 require the provider of the criminal history record to provide the applicant with access to the
18 applicant's criminal history record or otherwise deliver a copy of the criminal history record to
19 the applicant. If a board conducts a criminal history record check or a consumer report check, the
20 board must provide the applicant notice five business days prior to conducting the criminal
21 history record check or a consumer report check. Any consumer report check must be conducted
22 in compliance with the Fair Credit Reporting Act. If an applicant's criminal history includes
23 matters that will or may prevent the board from issuing a license to the applicant, the board shall
24 notify the applicant in writing of the specific issues in sufficient time for the applicant to provide
25 additional documentation supporting the application for consideration by the board prior to any
26 final decision to deny the application. After being notified of any potential issue with licensure
27 due to criminal conviction(s), an applicant shall have 30 days to respond by either correcting any
28 inaccuracy in the criminal history record or submitting evidence of mitigation or rehabilitation
29 for consideration by the board.

30"

31 **SECTION 4.(d)** Subsection (b) of this section is effective when it becomes law. The
32 remainder of this section becomes effective October 1, 2023, and applies to applications for or
33 denials or renewals of licenses, certifications, or registrations on or after that date.

34 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
35 law.