

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 118*
Health Care Committee Substitute Adopted 4/18/19
Third Edition Engrossed 5/6/19
House Committee Substitute Favorable 9/10/19

Short Title: Prison Safety/TANF State Plan/Clarifications.

(Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED

AN ACT CONSISTENT WITH HOUSE BILL 966 OF THE 2019 REGULAR SESSION (1) APPROPRIATING FUNDS TO THE DIVISION OF ADULT CORRECTION AND JUVENILE JUSTICE FOR PRISON SAFETY EQUIPMENT AND INFORMATION TECHNOLOGY SECURITY EQUIPMENT UPGRADES FOR PRISON MANDOWN TECHNOLOGY AND CAMERAS, (2) REQUIRING THE DEPARTMENT OF PUBLIC SAFETY TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY REGARDING THE DEPARTMENT'S PRISON REFORM INITIATIVES, (3) CLARIFYING THAT CERTAIN FUNDS IN HOUSE BILL 966 AND OTHER SALARY AND BENEFITS BILLS ENACTED IN 2019 ARE DESCRIBED AS DEPARTMENTAL RECEIPTS, AND (4) APPROVING THE 2019 TO 2022 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STATE PLAN.

The General Assembly of North Carolina enacts:

PART I. APPROPRIATIONS FOR PRISON SAFETY AND PRISON REFORM REPORT

APPROPRIATIONS FOR PRISON SAFETY

SECTION 1.1.(a) There is appropriated from the General Fund to the Department of Public Safety, Division of Adult Correction and Juvenile Justice, four million four hundred seventy-one thousand one hundred forty-nine dollars (\$4,471,149) in nonrecurring funds for the 2019-2020 fiscal year for the costs associated with implementing the prison safety provisions of this section. Funds appropriated in this section shall be used as follows:

- (1) Four hundred thousand dollars (\$400,000) to purchase additional stab resistant vests and exterior carriers for certified prison staff.
- (2) Seven hundred thirty thousand nine hundred thirty-seven dollars (\$730,937) to erect security netting over prison fence lines to deter and intercept contraband.
- (3) Two hundred sixteen thousand seven hundred fifty dollars (\$216,750) to purchase additional handheld metal detectors to reduce contraband in prison facilities.
- (4) Six hundred seventy-five thousand three hundred sixty dollars (\$675,360) to be used to purchase customizable key lock boxes distributed throughout prison facilities.



- 1 (5) Two million four hundred forty-eight thousand one hundred two dollars
2 (\$2,448,102) for Information Technology security equipment upgrades for
3 prison mandown technology and cameras.

4 **SECTION 1.1.(b)** Departmental receipts, as defined in G.S. 143C-1-1, are
5 appropriated for the 2019-2020 fiscal year up to the amounts needed to implement the prison
6 safety provisions provided in this section for the 2019-2020 fiscal year.

7 8 **PRISON REFORM REPORT**

9 **SECTION 1.2.** The Department of Public Safety (Department) shall report quarterly
10 beginning November 1, 2019, and continuing quarterly until the end of the 2019-2021 fiscal
11 biennium, to the Joint Legislative Oversight Committee on Justice and Public Safety on the
12 Department's prison reform initiatives, including:

- 13 (1) All modifications to Department rules, policies, and procedures related to
14 disciplinary actions against correctional officers and other correctional staff.
15 (2) All modifications to Department rules, policies, and procedures related to
16 disciplinary actions against inmates.
17 (3) The amount, content, quality, and frequency of staff training.
18 (4) Modifications to inmate work assignments, including assessments of the
19 appropriateness of particular work assignments based on inmate
20 classification.
21 (5) Facility infrastructure improvements made to emergency communication,
22 location tracking capabilities, and installation of additional cameras.
23 (6) Increased availability of staff personal safety equipment and institutional
24 safety equipment.
25 (7) Adequacy of staffing of prison facilities and actions taken to increase staffing
26 levels.
27 (8) Actions taken to increase retention efforts of staff.
28 (9) Changes to the hiring and orientation processes and procedures for
29 correctional officers.
30 (10) Methods used to prevent delivery of contraband items to prisoners, including
31 illegal drugs and mobile phones, and an evaluation or summary of the
32 effectiveness of the methods.
33 (11) Modifications to housing capacity to meet prison staffing requirements.

34 35 **PART II. CLARIFICATION REGARDING APPROPRIATION OF DEPARTMENTAL** 36 **RECEIPTS**

37 **SECTION 2.1.(a)** If House Bill 966, 2019 Regular Session, becomes law, then
38 subdivision (2) of subsection (a) of Section 4.1 of that act reads as rewritten:

- 39 "(2) ~~Agency-Departmental~~ receipts up to the amounts needed to implement the
40 legislatively mandated salary increases and employee benefit increases
41 provided in this act for each year of the 2019-2021 fiscal biennium."

42 **SECTION 2.1.(b)** Subsection (b) of Section 1.1 of S.L. 2019-208 reads as rewritten:

43 "~~SECTION 1.1.(b) State funds, as defined in G.S. 143C-1-1(d)(25), Departmental receipts,~~
44 ~~as defined in G.S. 143C-1-1,~~ are appropriated for each year of the 2019-2021 fiscal biennium, ~~as~~
45 ~~agency receipts-biennium~~ up to the amounts needed to implement the legislatively mandated
46 salary increases provided in this act for each year of the 2019-2021 fiscal biennium."

47 **SECTION 2.1.(c)** Subsection (c) of Section 1.1 of S.L. 2019-209 reads as rewritten:

48 "~~SECTION 1.1.(c) State funds, as defined in G.S. 143C-1-1(d)(25), Departmental receipts,~~
49 ~~as defined in G.S. 143C-1-1,~~ are appropriated for each year of the 2019-2021 fiscal biennium, ~~as~~
50 ~~agency receipts-biennium~~ up to the amounts needed to implement the legislatively mandated

1 salary increases and employee benefit increases provided in this act for each year of the
2 2019-2021 fiscal biennium."

3 **SECTION 2.1.(d)** Subsection (b) of Section 1.1 of S.L. 2019-210 reads as rewritten:

4 "**SECTION 1.1.(b)** ~~State funds, as defined in G.S. 143C-1-1(d)(25), Departmental receipts,~~
5 ~~as defined in G.S. 143C-1-1,~~ are appropriated for each year of the 2019-2021 fiscal biennium, ~~as~~
6 ~~agency receipts biennium~~ up to the amounts needed to implement the legislatively mandated
7 salary increases provided in this act for each year of the 2019-2021 fiscal biennium."

8 **SECTION 2.1.(e)** Subsection (b) of Section 1.1 of S.L. 2019-211 reads as rewritten:

9 "**SECTION 1.1.(b)** ~~State funds, as defined in G.S. 143C-1-1(d)(25), Departmental receipts,~~
10 ~~as defined in G.S. 143C-1-1,~~ are appropriated for each year of the 2019-2021 fiscal biennium, ~~as~~
11 ~~agency receipts biennium~~ up to the amounts needed to implement the legislatively mandated
12 salary increases provided in this act for each year of the 2019-2021 fiscal biennium."
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14 **PART III. TANF BENEFIT IMPLEMENTATION**

15 **SECTION 3.1.(a)** Beginning October 1, 2019, the General Assembly approves the
16 plan titled "North Carolina Temporary Assistance for Needy Families State Plan FY 2019-2022,"
17 prepared by the Department of Health and Human Services and presented to the General
18 Assembly. The North Carolina Temporary Assistance for Needy Families State Plan covers the
19 period October 1, 2019, through September 30, 2022. The Department shall submit the State
20 Plan, as revised in accordance with subsection (b) of this section, to the United States Department
21 of Health and Human Services.

22 **SECTION 3.1.(b)** The counties approved as Electing Counties in the North Carolina
23 Temporary Assistance for Needy Families State Plan FY 2019-2022, as approved by this section,
24 are Beaufort, Caldwell, Catawba, Lenoir, Lincoln, Macon, and Wilson.

25 **SECTION 3.1.(c)** Counties that submitted the letter of intent to remain as an Electing
26 County or to be redesignated as an Electing County and the accompanying county plan for years
27 2019 through 2022, pursuant to G.S. 108A-27(e), shall operate under the Electing County budget
28 requirements effective July 1, 2019. For programmatic purposes, all counties referred to in this
29 subsection shall remain under their current county designation through September 30, 2022.

30 **SECTION 3.1.(d)** For each year of the 2019-2021 fiscal biennium, Electing Counties
31 shall be held harmless to their Work First Family Assistance allocations for the 2018-2019 fiscal
32 year, provided that remaining funds allocated for Work First Family Assistance and Work First
33 Diversion Assistance are sufficient for payments made by the Department on behalf of Standard
34 Counties pursuant to G.S. 108A-27.11(b).

35 **SECTION 3.1.(e)** In the event that departmental projections of Work First Family
36 Assistance and Work First Diversion Assistance for the 2019-2020 fiscal year or the 2020-2021
37 fiscal year indicate that remaining funds are insufficient for Work First Family Assistance and
38 Work First Diversion Assistance payments to be made on behalf of Standard Counties, the
39 Department is authorized to deallocate funds, of those allocated to Electing Counties for Work
40 First Family Assistance in excess of the sums set forth in G.S. 108A-27.11, up to the requisite
41 amount for payments in Standard Counties. Prior to deallocation, the Department shall obtain
42 approval by the Office of State Budget and Management. If the Department adjusts the allocation
43 set forth in subsection (d) of this section, then a report shall be made to the Joint Legislative
44 Oversight Committee on Health and Human Services and the Fiscal Research Division.
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46 **PART IV. MISCELLANEOUS**

47 **SECTION 4.1.** Notwithstanding any other provision of law, if House Bill 966, 2019
48 Regular Session, becomes law, then Sections 9I.2 and 18.15 of that act are repealed.

49 **SECTION 4.2.** If any provision of this act and G.S. 143C-5-4 are in conflict, the
50 provisions of this act shall prevail. The appropriations and the authorizations to allocate and
51 spend funds which are set out in this act shall remain in effect until the Current Operations

1 Appropriations Act for the applicable fiscal year becomes law, at which time that act shall
2 become effective and shall govern appropriations and expenditures. When the Current
3 Operations Appropriations Act for that fiscal year becomes law, the Director of the Budget shall
4 adjust allotments to give effect to that act from July 1 of the fiscal year.

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6 **PART V. EFFECTIVE DATE**

7 **SECTION 5.1.** This act becomes effective July 1, 2019.