

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 492  
Judiciary Committee Substitute Adopted 4/26/23  
House Committee Substitute Favorable 9/5/23

Short Title: Adult Correction/Law Enf. Changes.

(Public)

Sponsors:

Referred to:

April 4, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY LAWS CONCERNING ADULT CORRECTION AND LAW  
3 ENFORCEMENT AGENCIES.

4 The General Assembly of North Carolina enacts:

5  
6 **EXPAND AVAILABLE METHODS OF DRUG AND ALCOHOL SCREENING OF**  
7 **PROBATIONERS**

8 **SECTION 1.(a)** G.S. 15A-1343(b) reads as rewritten:

9 "(b) Regular Conditions. – As regular conditions of probation, a defendant must:

10 ...

11 (16) ~~Supply a breath, urine, or blood specimen~~ Submit to drug and alcohol  
12 screening for analysis of the possible presence of prohibited drugs or alcohol  
13 when instructed by the defendant's probation officer for purposes directly  
14 related to the probation supervision. If the results of the analysis are positive,  
15 the probationer may be required to reimburse the Division of Community  
16 Supervision and Reentry of the Department of Adult Correction for the actual  
17 costs of drug or alcohol screening and testing.

18 ...

19 In addition to these regular conditions of probation, a defendant required to serve an active  
20 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or  
21 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and  
22 regulations of the Division of Prisons of the Department of Adult Correction and, if applicable,  
23 the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of  
24 inmates while imprisoned and report to a probation officer in the State of North Carolina within  
25 72 hours of his discharge from the active term of imprisonment.

26 Regular conditions of probation apply to each defendant placed on supervised probation  
27 unless the presiding judge specifically exempts the defendant from one or more of the conditions  
28 in open court and in the judgment of the court. It is not necessary for the presiding judge to state  
29 each regular condition of probation in open court, but the conditions must be set forth in the  
30 judgment of the court.

31 Defendants placed on unsupervised probation are subject to the provisions of this subsection,  
32 except that defendants placed on unsupervised probation are not subject to the regular conditions  
33 contained in subdivisions (2), (3), (6), (8), (13), (14), (15), (16) and (17) of this subsection."

34 **SECTION 1.(b)** This section becomes effective December 1, 2023, and applies to  
35 offenses committed on or after that date.



1  
2 **INCLUDE PROHIBITION OF FIREARM AMMUNITION IN REGULAR**  
3 **CONDITIONS OF PROBATION, POST-RELEASE SUPERVISION, AND PAROLE**

4 **SECTION 2.(a)** G.S. 15A-1343(b), as amended by Section 1 of this act, reads as  
5 rewritten:

6 "(b) Regular Conditions. – As regular conditions of probation, a defendant must:

7 ...

8 (5) Possess no firearm, firearm ammunition, explosive device or other deadly  
9 weapon listed in G.S. 14-269 without the written permission of the court.

10 ...."

11 **SECTION 2.(b)** G.S. 15A-1368.4(e) reads as rewritten:

12 "(e) Controlling Conditions. – Appropriate controlling conditions, violation of which may  
13 result in revocation of post-release supervision, are:

14 ...

15 (4) ~~Not possess a~~ Possess no firearm, ~~destructive~~ firearm ammunition, explosive  
16 device, or other ~~dangerous~~ deadly weapon listed in G.S. 14-269 unless granted  
17 written permission by the ~~Commission or a post release supervision~~  
18 officer. Commission.

19 ...."

20 **SECTION 2.(c)** G.S. 15A-1374(b) reads as rewritten:

21 "(b) Appropriate Conditions. – As conditions of parole, the Commission may require that  
22 the parolee comply with one or more of the following conditions:

23 ...

24 (5) ~~Refrain from possessing a~~ Possess no firearm, ~~destructive~~ firearm  
25 ammunition, explosive device, or other ~~dangerous~~ deadly weapon listed in  
26 G.S. 14-269 unless granted written permission by the ~~Commission or the~~  
27 parole officer. Commission.

28 ...."

29 **SECTION 2.(d)** This section becomes effective December 1, 2023, and applies to  
30 offenses committed on or after that date.

31  
32 **EARLY TRANSFERS TO FEDERAL AUTHORITIES, JAILS, AND LOCAL**  
33 **DETENTION FACILITIES**

34 **SECTION 3.(a)** G.S. 15A-1352 is amended by adding a new subsection to read:

35 "(g) To facilitate an efficient and orderly transfer of custody, a person serving a sentence  
36 in the Department of Adult Correction who is subject to an outstanding sentence, detainer, or  
37 other lawful process authorizing detention may be transferred up to five days before the  
38 expiration of the person's current sentence, and the remainder of the person's current sentence  
39 may be served in the custody of the requesting local confinement facility or the requesting federal  
40 agency. Early transfers conducted pursuant to this subsection shall only be conducted at the  
41 request and expense of the receiving local confinement facility or the receiving federal agency.

42 Nothing in this subsection shall be construed to authorize the holding of a person beyond the  
43 release date of the current sentence absent an outstanding sentence to be served, detainer, or  
44 service of other lawful process authorizing detention.

45 For purposes of this subsection, "local confinement facility" is as defined in G.S. 153A-217  
46 and "federal agency" is as defined in G.S. 130A-313."

47 **SECTION 3.(b)** This section becomes effective October 1, 2023, and applies to  
48 transfers occurring on or after that date.

49  
50 **OFFENDER POPULATION MAY PURCHASE CORRECTION ENTERPRISES**  
51 **PRODUCTS**

1           **SECTION 4.(a)** G.S. 148-132 reads as rewritten:

2   "**§ 148-132. Distribution of products and services.**

3       The Division of Correction Enterprises of the Department of Adult Correction is empowered  
4 and authorized to market and sell products and services produced by Correction Enterprises to  
5 any of the following entities:

6       ...

7       (5a) Any individual currently incarcerated within a Department of Adult  
8           Correction facility.

9       ...."

10       **SECTION 4.(b)** This section is effective when it becomes law.

## 11   **RETENTION AND REINVESTMENT OF UTILITY SAVINGS**

12       **SECTION 5.(a)** Part 1 of Article 16 of Chapter 143B of the General Statutes is  
13 amended by adding a new section to read:

14   "**§ 143B-1445. Energy conservation savings.**

15       (a) The General Fund current operations appropriations credit balance remaining at the  
16 end of each fiscal year for utilities from the Department of Adult Correction that is energy savings  
17 realized from implementing an energy conservation measure shall be carried forward to the next  
18 fiscal year. Sixty percent (60%) of the energy savings realized shall be utilized for energy  
19 conservation measures by the Department of Adult Correction. The use of funds under this  
20 section shall be limited to one-time capital and operating expenditures that will not impose  
21 additional financial obligations on the State and are nonreverting. The Director of the Budget,  
22 under the authority set forth in G.S. 143C-6-2, shall establish the General Fund current operations  
23 credit balance remaining in each budget code of the Department of Adult Correction.

24       (b) The Director of the Budget shall not decrease the recommended continuation budget  
25 requirements for utilities from the previous fiscal year for the Department of Adult Correction  
26 by the amount of energy savings realized from implementing energy conservation measures,  
27 including savings achieved through a guaranteed energy savings contract.

28       (c) The Department of Adult Correction shall submit a biennial report on the use of funds  
29 authorized pursuant to this section as required under G.S. 143-64.12.

30       (d) As used in this section, "energy savings," "guaranteed energy savings contract," and  
31 "energy conservation measure" have the same meaning as in G.S. 143-64.17."

32       **SECTION 5.(b)** G.S. 116-30.3B(c) reads as rewritten:

33       "(c) Constituent institutions shall submit ~~annual~~-biennial reports on the use of funds  
34 authorized pursuant to this section as required under G.S. 143-64.12."

35       **SECTION 5.(c)** This section is effective when it becomes law.

## 36   **RETAIN PROCEEDS FROM SALE OF DEPARTMENT OF ADULT CORRECTION** 37 **PROPERTY**

38       **SECTION 6.(a)** G.S. 146-30(d) reads as rewritten:

39       "(d) Notwithstanding any other provision of this Subchapter, the following exceptions  
40 apply:

41       ...

42       (16) The net proceeds derived from the sale or lease of land or facilities owned by  
43 the Department of Adult Correction or owned by the State and solely  
44 maintained by the Department of Adult Correction shall be deposited in a  
45 capital improvement fund to the credit of the Department of Adult Correction  
46 to make capital improvements on or to property owned by the Department of  
47 Adult Correction or owned by the State and solely maintained by the  
48 Department of Adult Correction. Expenditures from this capital fund shall be  
49 subject to approval by the Office of State Budget and Management."  
50  
51

1           **SECTION 6.(b)** This section is effective when it becomes law and applies to  
2 proceeds from sales occurring on or after that date.  
3

4 **AUTHORIZATION TO DESIGNATE DAC EMPLOYEES TO CARRY CONCEALED**  
5 **WEAPONS**

6           **SECTION 7.(a)** G.S. 14-269(b) reads as rewritten:

7           "(b) This prohibition shall not apply to any of the following persons:

8           (1) Officers and enlisted personnel of the Armed Forces of the United States when  
9 in discharge of their official duties as such and acting under orders requiring  
10 them to carry arms and ~~weapons;~~weapons.

11           (2) Civil and law enforcement officers of the United ~~States;~~States.

12           (3) Officers and soldiers of the militia and the National Guard when called into  
13 actual ~~service;~~service.

14           ...

15           (4) Officers of the State, or of any county, city, town, or company police agency  
16 charged with the execution of the laws of the State, when acting in the  
17 discharge of their official ~~duties;~~duties.

18           (4a) Any person who is a district attorney, an assistant district attorney, or an  
19 investigator employed by the office of a district attorney and who has a  
20 concealed handgun permit issued in accordance with Article 54B of this  
21 Chapter or considered valid under G.S. 14-415.24; provided that the person  
22 shall not carry a concealed weapon at any time while in a courtroom or while  
23 consuming alcohol or an unlawful controlled substance or while alcohol or an  
24 unlawful controlled substance remains in the person's body. The district  
25 attorney, assistant district attorney, or investigator shall secure the weapon in  
26 a locked compartment when the weapon is not on the person of the district  
27 attorney, assistant district attorney, or investigator. Notwithstanding the  
28 provisions of this subsection, a district attorney may carry a concealed weapon  
29 while in a ~~courtroom;~~courtroom.

30           (4b) Any person who is a qualified retired law enforcement officer as defined in  
31 G.S. 14-415.10 and meets any one of the following conditions:

32           a. Is the holder of a concealed handgun permit in accordance with Article  
33 54B of this Chapter.

34           b. Is exempt from obtaining a permit pursuant to G.S. 14-415.25.

35           c. Is certified by the North Carolina Criminal Justice Education and  
36 Training Standards Commission pursuant to  
37 ~~G.S. 14-415.26;~~G.S. 14-415.26.

38           (4c) Detention personnel or correctional officers employed by the State or a unit  
39 of local government who park a vehicle in a space that is authorized for their  
40 use in the course of their duties may transport a firearm to the parking space  
41 and store that firearm in the vehicle parked in the parking space, provided that:  
42 (i) the firearm is in a closed compartment or container within the locked  
43 vehicle, or (ii) the firearm is in a locked container securely affixed to the  
44 ~~vehiele;~~vehicle.

45           (4d) Any person who is a North Carolina district court judge, North Carolina  
46 superior court judge, or a North Carolina magistrate and who has a concealed  
47 handgun permit issued in accordance with Article 54B of this Chapter or  
48 considered valid under G.S. 14-415.24; provided that the person shall not  
49 carry a concealed weapon at any time while consuming alcohol or an unlawful  
50 controlled substance or while alcohol or an unlawful controlled substance  
51 remains in the person's body. The judge or magistrate shall secure the weapon

1 in a locked compartment when the weapon is not on the person of the judge  
 2 or ~~magistrate;~~magistrate.

3 (4e) Any person who is serving as a clerk of court or as a register of deeds and who  
 4 has a concealed handgun permit issued in accordance with Article 54B of this  
 5 Chapter or considered valid under G.S. 14-415.24; provided that the person  
 6 shall not carry a concealed weapon at any time while consuming alcohol or an  
 7 unlawful controlled substance or while alcohol or an unlawful controlled  
 8 substance remains in the person's body. The clerk of court or register of deeds  
 9 shall secure the weapon in a locked compartment when the weapon is not on  
 10 the person of the clerk of court or register of deeds. This subdivision does not  
 11 apply to assistants, deputies, or other employees of the clerk of court or  
 12 register of ~~deeds;~~deeds.

13 (5) Sworn law-enforcement officers, when off-duty, provided that an officer does  
 14 not carry a concealed weapon while consuming alcohol or an unlawful  
 15 controlled substance or while alcohol or an unlawful controlled substance  
 16 remains in the officer's ~~body;~~body.

17 ...  
 18 (7a) A person employed by the Department of Adult Correction who (i) has been  
 19 designated in writing by the Secretary of the Department, (ii) has a concealed  
 20 handgun permit issued in accordance with Article 54B of this Chapter or  
 21 considered valid under G.S. 14-415.24, and (iii) has in the person's possession  
 22 written proof of the designation by the Secretary of the Department, provided  
 23 that the person shall not carry a concealed weapon at any time while  
 24 consuming alcohol or an unlawful controlled substance or while alcohol or an  
 25 unlawful controlled substance remains in the person's body.

26 ...."

27 **SECTION 7.(b)** This section is effective when it becomes law and applies to  
 28 designations made on or after that date.

29  
 30 **EXEMPTIONS FROM CONTESTED CASE PROVISIONS**

31 **SECTION 8.(a)** G.S. 150B-1(e) reads as rewritten:

32 "(e) Exemptions From Contested Case Provisions. – The contested case provisions of this  
 33 Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The  
 34 contested case provisions of this Chapter do not apply to the following:

35 ...

36 (7) ~~The Division of Prisons of the~~ Department of Adult Correction.

37 ...."

38 **SECTION 8.(b)** This section is effective when it becomes law and applies to  
 39 proceedings occurring on or after that date.

40  
 41 **EXTEND SUNSET DATE FOR USE OF SECURITY GUARDS AT STATE PRISONS**

42 **SECTION 9.(a)** Section 4.15(c) of S.L. 2020-3, as amended by Section 2 of S.L.  
 43 2020-15, Section 19D.2 of S.L. 2021-180, Section 12 of S.L. 2022-58, and Section 19D.1 of S.L.  
 44 2022-74, reads as rewritten:

45 "**SECTION 4.15.(c)** This section is effective when it becomes law and expires ~~upon the~~  
 46 ~~earlier of January 1, 2024, or the date of completion of the Youth Development Center in~~  
 47 ~~Rockingham County on June 30, 2025."~~

48 **SECTION 9.(b)** This section is effective when it becomes law.

49  
 50 **EXPAND AUTHORITY TO INCREASE WAGES PAID TO WORKING NORTH**  
 51 **CAROLINA INMATES**

1           **SECTION 10.(a)** G.S. 148-18(a) reads as rewritten:

2           "(a) Prisoners employed by Correction Enterprises shall be compensated as set forth in  
3 Article 14 of this Chapter. Prisoners participating in work assignments established by the  
4 Division of Prisons shall be compensated at rates fixed by the Division of Prisons of the  
5 Department of Adult Correction's rules and regulations; provided, that no prisoner so paid shall  
6 receive more than one dollar (\$1.00) per day, unless the prisoner is performing work for the  
7 Division's BRIDGE Program or the Secretary determines that the work assignment requires  
8 special skills or training. Upon approval of the Secretary, inmates working for the BRIDGE  
9 Program or in job assignments requiring special skills or training may be paid up to five dollars  
10 (\$5.00) per day. The Correction Enterprises Fund shall be the source of wages and allowances  
11 provided to inmates who are employed by the Division of Prisons of the Department of Adult  
12 Correction in work assignments established by the Division of Prisons."

13           **SECTION 10.(b)** This section is effective when it becomes law and applies to work  
14 performed on or after that date.

15  
16 **PROVIDE THAT QUALIFIED CORRECTIONAL OFFICERS AND QUALIFIED**  
17 **STATE PROBATION OR PAROLE CERTIFIED OFFICERS ARE DEEMED TO HAVE**  
18 **SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE**  
19 **REQUIREMENT FOR A CONCEALED HANDGUN PERMIT**

20           **SECTION 11.(a)** G.S. 14-415.10 reads as rewritten:

21 **"§ 14-415.10. Definitions.**

22           The following definitions apply to this Article:

23           ...

24           **(3b)** Qualified correctional officer. – An individual employed as a State  
25 correctional officer who meets all of the following criteria:

- 26           a. The individual is authorized by the Division of Prisons of the  
27 Department of Adult Correction to carry a handgun in the course of  
28 duty.  
29           b. The individual is not the subject of a disciplinary action by the  
30 Division of Prisons of the Department of Adult Correction that  
31 prevents the carrying of a handgun.  
32           c. The individual meets any requirements established by the Division of  
33 Prisons of the Department of Adult Correction regarding handguns.

34           ...

35           **(4d)** Qualified State probation or parole certified officer. – An individual employed  
36 as a State probation or parole certified officer who meets all of the following  
37 criteria:

- 38           a. The individual is authorized by the Division of Community  
39 Supervision and Reentry of the Department of Adult Correction to  
40 carry a handgun in the course of duty.  
41           b. The individual is not the subject of a disciplinary action by the  
42 Division of Community Supervision and Reentry of the Department  
43 of Adult Correction that prevents the carrying of a handgun.  
44           c. The individual meets any requirements established by the Division of  
45 Community Supervision and Reentry of the Department of Adult  
46 Correction regarding handguns.

47           ...."

48           **SECTION 11.(b)** G.S. 14-415.12A(a) reads as rewritten:

49           "(a) A person who is a qualified sworn law enforcement officer, a qualified former sworn  
50 law enforcement officer, a qualified correctional officer, a qualified retired correctional officer,  
51 a qualified State probation or parole certified officer, or a qualified retired probation or parole

1 certified officer is deemed to have satisfied the requirement under G.S. 14-415.12(a)(4) that an  
2 applicant successfully complete an approved firearms safety and training course."

3 **SECTION 11.(c)** This section is effective when it becomes law and applies to permit  
4 applications submitted on or after that date.

5  
6 **EXPAND THE SCOPE OF VARIOUS PEER SUPPORT GROUP COUNSELOR**  
7 **PROVISIONS**

8 **SECTION 12.(a)** G.S. 8-53.10 reads as rewritten:

9 **"§ 8-53.10. Peer support group counselors.**

10 (a) Definitions. – The following definitions apply in this section:

11 (1) Client law enforcement employee. – Any law enforcement employee or a  
12 member of his or her immediate family who is in need of and receives peer  
13 counseling services offered by the officer's employing law enforcement  
14 agency.

15 (1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency  
16 medical service personnel, or any employee of any duly accredited State or  
17 local government agency possessing authority to enforce the criminal laws of  
18 the State who (i) is actively serving in a position with assigned primary duties  
19 and responsibilities for the prevention and detection of crime or the general  
20 enforcement of the criminal laws of the State and (ii) possesses the power of  
21 arrest by virtue of an oath administered under the authority of the State.

22 (1b) Corrections employee. – Any corrections employee or a member of his or her  
23 immediate family who is in need of and receives peer counseling services  
24 offered by the employee's corrections agency.

25 (2) Immediate family. – A spouse, child, stepchild, parent, or stepparent.

26 (3) Peer counselor. – Any active or retired law enforcement officer, corrections  
27 officer, emergency personnel officer, or civilian employee of a law  
28 enforcement agency who:agency, corrections agency, or emergency agency  
29 who meets both of the following criteria:

30 a. Has received training to provide emotional and moral support and  
31 counseling to client law enforcement employees, corrections  
32 employees, emergency personnel officers, and their immediate  
33 families.

34 b. ~~Was~~ Has been designated by ~~the a~~ sheriff, police chief, or other head  
35 of a law ~~enforcement or enforcement, corrections, or~~ emergency  
36 agency to ~~counsel a~~ provide counseling to client law enforcement  
37 ~~employee~~ employees, corrections employees, and emergency  
38 personnel officers.

39 (4) Privileged communication. – Any communication made by a client law  
40 enforcement employee, corrections employee, emergency personnel officer,  
41 or a member of the client law enforcement employee's employee's, corrections  
42 employee's, or emergency personnel officer's immediate family to a peer  
43 counselor while receiving counseling.

44 (a1) Nothing in this section shall be construed to require the designation as a peer  
45 counselor required by sub-subdivision b. of subdivision (3) of subsection (a) of this section be  
46 made by the head of the same agency that employs the client law enforcement employee,  
47 corrections employee, or emergency personnel officer.

48 (b) A peer counselor shall not disclose any privileged communication that was necessary  
49 to enable the counselor to render counseling services unless one of the following apply:

- 1 (1) The disclosure is authorized by the client or, if the client is deceased, the  
2 disclosure is authorized by the client's executor, administrator, or in the case  
3 of unadministrated estates, the client's next of kin.
- 4 (2) The disclosure is necessary to the proper administration of justice and, subject  
5 to G.S. 8-53.6, is compelled by a resident or presiding judge. If the case is in  
6 district court the judge shall be a district court judge, and if the case is in  
7 superior court the judge shall be a superior court judge.
- 8 (c) The privilege established by this section shall not apply:
- 9 (1) If the peer counselor was an initial responding officer, a witness, or a party to  
10 the incident that prompted the delivery of peer counseling services.
- 11 (2) To communications made while the peer counselor was not acting in his or  
12 her official capacity as a peer counselor.
- 13 (3) To communications related to a violation of criminal law. This subdivision  
14 does not require the disclosure of otherwise privileged communications  
15 related to an officer's use of force.
- 16 (d) Notwithstanding the provisions of this section, the peer counselor privilege shall not  
17 be grounds for failure to report suspected child abuse or neglect to the appropriate county  
18 department of social services, or for failure to report a disabled adult suspected to be in need of  
19 protective services to the appropriate county department of social services. Notwithstanding the  
20 provisions of this section, the peer counselor privilege shall not be grounds for excluding  
21 evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the  
22 cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled  
23 adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial  
24 proceeding related to a report pursuant to the Child Abuse Reporting Law, Article 3 of Chapter  
25 7B, or to the Protection of the Abused, Neglected, or Exploited Disabled Adult Act, Article 6 of  
26 Chapter 108A of the General Statutes."

27 **SECTION 12.(b)** This section is effective when it becomes law and applies  
28 retroactively to communications made on or after July 8, 2022.

### 30 **EXPAND PROBATION OFFICERS' DELEGATED AUTHORITY TO DWI CASES**

31 **SECTION 13.(a)** G.S. 20-179 is amended by adding a new subsection to read:

32 "(k5) Delegation to Probation Officer. – Unless the presiding judge specifically finds in the  
33 judgment of the court that delegation is not appropriate, the Division of Community Supervision  
34 and Reentry of the Department of Adult Correction may require an offender sentenced pursuant  
35 to subsection (f3), (g), (h), (i), (j), or (k) of this section and placed on supervised probation to do  
36 any of the following:

- 37 (1) Perform up to 20 hours of community service and pay the applicable  
38 supervision fee prescribed by law.
- 39 (2) Report to the offender's probation officer on a frequency to be determined by  
40 the officer.
- 41 (3) Submit to substance abuse assessment, monitoring, or treatment.
- 42 (4) Submit to house arrest with electronic monitoring.
- 43 (5) Submit to a period or periods of confinement in a local confinement facility  
44 for a total of no more than six days per month during any three separate  
45 months during the period of probation. The six days per month confinement  
46 provided for in this subdivision may only be imposed as two-day or three-day  
47 consecutive periods. When a defendant is on probation for multiple  
48 judgments, confinement periods imposed under this subdivision shall run  
49 concurrently and may total no more than six days per month. If the person  
50 being ordered to a period or periods of confinement is under the age of 18,  
51 that person must be confined in a detention facility approved by the Division



1 of Juvenile Justice of the Department of Public Safety to provide secure  
2 confinement and care for juveniles or to a holdover facility as defined in  
3 G.S. 7B-1501(11). If the person being ordered to a period or periods of  
4 confinement reaches the age of 18 years while in confinement, the person may  
5 be transported by personnel of the Division of Juvenile Justice, or personnel  
6 approved by the Division of Juvenile Justice, to the custody of the sheriff of  
7 the applicable local confinement facility.

8 (6) Submit to a curfew which requires the offender to remain in a specified place  
9 for a specified period each day and wear a device that permits the offender's  
10 compliance with the condition to be monitored electronically.

11 (7) Participate in an educational or vocational skills development program,  
12 including an evidence-based program.

13 If the Division of Community Supervision and Reentry imposes any of the above  
14 requirements, then it may subsequently reduce or remove those same requirements. The  
15 probation officer may exercise authority delegated to the probation officer by the court pursuant  
16 to this subsection after administrative review and approval by a chief probation officer. The  
17 offender may file a motion with the court to review the action taken by the probation officer.

18 The offender shall be given notice of the right to seek such a court review. However, the  
19 offender shall have no right of review if the offender has signed a written waiver of rights as  
20 required by this subsection. The Division may exercise any authority delegated to it under this  
21 subsection only if it first determines that the offender has failed to comply with one or more of  
22 the conditions of probation or the offender is determined to be high risk based on the results of a  
23 validated instrument to assess each probationer for risk of reoffending, except that the condition  
24 in subdivision (5) of this subsection may not be imposed unless the Division determines that the  
25 offender failed to comply with one or more of the conditions of probation. Nothing in this  
26 subsection shall be construed to limit the availability of the procedures authorized under  
27 G.S. 15A-1345. The Division of Community Supervision and Reentry shall adopt guidelines and  
28 procedures to implement the requirements of this subsection, which shall include a supervisor's  
29 approval prior to exercise of the delegation of authority authorized by this subsection. Prior to  
30 imposing confinement pursuant to subdivision (5) of this subsection, the probationer must first  
31 be presented with a violation report, with the alleged violations noted and advised of the right to  
32 (i) a hearing before the court on the alleged violation, with the right to present relevant oral and  
33 written evidence, (ii) have counsel at the hearing, and that one will be appointed if the probationer  
34 is indigent, (iii) request witnesses who have relevant information concerning the alleged  
35 violations, and (iv) examine any witnesses or evidence. The probationer may be confined for the  
36 period designated on the violation report upon the execution of a waiver of rights signed by the  
37 probationer and by two officers acting as witnesses. Those two witnesses shall be the probation  
38 officer and another officer to be designated by the Deputy Secretary of the Division of  
39 Community Supervision and Reentry in written Division policy."

40 **SECTION 13.(b)** This section becomes effective December 1, 2023, and applies to  
41 offenses committed on or after that date.  
42

43 **ALLOW THE DEPARTMENT OF ADULT CORRECTION TO CONDUCT A**  
44 **TWO-YEAR PILOT PROGRAM TO CONTRACT WITH NONGOVERNMENTAL**  
45 **STAFFING AGENCIES FOR NURSING SERVICES**

46 **SECTION 14.(a)** Definitions. – The following definitions apply to this section:

47 (1) Department. – Department of Adult Correction.

48 (2) Nurse. – An individual licensed to practice nursing under Article 9A of  
49 Chapter 90 of the General Statutes.

50 (3) Nursing services. – Health care services provided by a nurse to prisoners  
51 committed to the Division of Prisons of the Department of Adult Correction.

1           **SECTION 14.(b)** Pilot Program. – Beginning October 1, 2023, the Department may  
2 conduct a two-year pilot program to contract with nongovernmental staffing agencies for nursing  
3 services. The purpose of the pilot program is to promote the health, safety, and well-being of the  
4 State's offender patient population as well as encourage the recruitment of qualified and  
5 competent nurses. Notwithstanding G.S. 126-6.3 and the policies and rules adopted pursuant to  
6 it, contracts with nongovernmental staffing agencies for nursing services shall be exempt from  
7 any break in service requirement.

8           **SECTION 14.(c)** Report. – The Department shall submit an interim report no later  
9 than September 30, 2024, and a final report no later than November 30, 2025, to the Joint  
10 Legislative Oversight Committee on General Government, to the Joint Legislative Oversight  
11 Committee on Justice and Public Safety, and to the Fiscal Research Division on the results of the  
12 pilot program and the policies and rules adopted pursuant to it, including:

- 13           (1) The number of nurses contracted for through the pilot and, of that number, the  
14 number of nurses who exceeded 11 months of contract employment and the  
15 number of days each nurse exceeded 11 months of employment.
- 16           (2) For each nurse contracted for through the pilot, the Department shall record  
17 the time worked in the agency, including the number of hours worked per  
18 week, the number of months worked, and the amount of time the nurse was  
19 not employed after 11 consecutive months of service with the agency.
- 20           (3) The overall cost of each nurse contracted for through the pilot and a  
21 comparison of that cost with the State salary ranges for medical professionals  
22 in equivalent positions employed by the Department.

23           **SECTION 14.(d)** Expiration. – The pilot program authorized by this section shall  
24 expire on September 30, 2025.

25           **SECTION 14.(e)** This section becomes effective October 1, 2023.

26  
27 **REQUIRE ARRESTING LAW ENFORCEMENT AGENCIES TO FINGERPRINT**  
28 **INDIVIDUALS CHARGED WITH A MISDEMEANOR CRIME OF DOMESTIC**  
29 **VIOLENCE AND FORWARD THOSE FINGERPRINTS TO THE STATE BUREAU OF**  
30 **INVESTIGATION**

31           **SECTION 15.(a)** G.S. 15A-502(a2) reads as rewritten:

32           "(a2) It shall be the duty of the arresting law enforcement agency to cause a person charged  
33 with the commission of any of the following misdemeanors to be fingerprinted and to forward  
34 those fingerprints to the State Bureau of Investigation:

- 35           (1) G.S. 14-32.5 (Misdemeanor crime of domestic violence), G.S. 14-134.3  
36 (Domestic criminal trespass), G.S. 15A-1382.1 (Offense that involved  
37 domestic violence), or G.S. 50B-4.1 (Violation of a valid protective order).
- 38           (2) G.S. 20-138.1 (Impaired driving), G.S. 20-138.2 (Impaired driving in  
39 commercial vehicle), G.S. 20-138.2A (Operating a commercial vehicle after  
40 consuming alcohol), and G.S. 20-138.2B (Operating various school, child  
41 care, EMS, firefighting, or law enforcement vehicles after consuming  
42 alcohol).
- 43           (3) G.S. 90-95(a)(3) (Possession of a controlled substance)."

44           **SECTION 15.(b)** This section becomes effective December 1, 2023, and applies to  
45 offenses committed on or after that date.

46  
47 **CORRECT REFERENCES TO THE DEPARTMENT OF ADULT CORRECTION AND**  
48 **THE DEPARTMENT OF PUBLIC SAFETY**

49           **SECTION 16.(a)** G.S. 14-258.1 reads as rewritten:

50           "**§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges,**  
51 **ammunition or alcoholic beverages to inmates of charitable, mental or penal**

1 **institutions or local confinement facilities; furnishing tobacco products including**  
2 **vapor products; or furnishing mobile phones to inmates or delinquent juveniles.**

3 ...  
4 (d) Any person who knowingly gives or sells a mobile telephone or other wireless  
5 communications device, or a component of one of those devices, to an inmate in the custody of  
6 the Division of Prisons of the Department of Adult Correction, to a delinquent juvenile in the  
7 custody of the Division of Juvenile Justice ~~Section of the Division of Prisons~~ of the Department  
8 of ~~Adult Correction, Public Safety,~~ or to an inmate in the custody of a local confinement facility,  
9 or any person who knowingly gives or sells any such device or component to a person who is not  
10 an inmate or delinquent juvenile for delivery to an inmate or delinquent juvenile, is guilty of a  
11 Class H felony. For purposes of this subsection, a delinquent juvenile in the custody of the  
12 Division of Juvenile Justice ~~Section of the Division of Prisons~~ of the Department of ~~Adult~~  
13 ~~Correction~~ Public Safety shall mean a juvenile confined in a youth development center or a  
14 detention facility as defined in G.S. 7B-1501, and shall include transportation of a juvenile to or  
15 from confinement.

16 ...  
17 (g) Any inmate in the custody of the ~~Division~~ Department of Adult Correction ~~of the~~  
18 ~~Department of Public Safety~~ or an inmate of a local confinement facility who possesses a mobile  
19 telephone or other wireless communication device or a component of one of those devices is  
20 guilty of a Class H felony.

21 (h) The prohibitions in subsections (d) and (g) of this section shall not apply to any mobile  
22 telephone or other wireless communications device provided to or possessed by an inmate of a  
23 facility operated by the Department of Adult Correction or an inmate of a local confinement  
24 facility if the mobile telephone or other wireless communications device has been approved by  
25 the Department of Adult Correction or the sheriff or other person in charge of a local confinement  
26 facility for use by inmates and is provided to the inmate in a manner consistent with the approved  
27 use of that device."

28 **SECTION 16.(b)** G.S. 15-203 reads as rewritten:

29 **"§ 15-203. Duties of the Secretary of Public Safety; Adult Correction; appointment of**  
30 **probation officers; reports; requests for extradition.**

31 The Secretary of ~~Public Safety, Adult Correction,~~ or the Secretary's designee, shall direct the  
32 work of the probation officers appointed under this Article. Notwithstanding any other provision  
33 of law, the Secretary of ~~Public Safety~~ Adult Correction shall have sole discretion to establish the  
34 minimum experience requirements to receive an appointment as a probation officer. The Office  
35 of State Human Resources shall work with the Secretary to establish position classifications for  
36 probation officers based on the experience requirements established by the Secretary. The  
37 Secretary, or the Secretary's designee, shall consult and cooperate with the courts and institutions  
38 in the development of methods and procedure in the administration of probation, and shall  
39 arrange conferences of probation officers and judges. The Secretary shall make an annual written  
40 report with statistical and other information to the Governor. The Secretary is authorized to  
41 present to the Governor written applications for requisitions for the return of probationers who  
42 have broken the terms of their probation, and are believed to be in another state, and the Secretary  
43 shall follow the procedure outlined for requests for extradition as set forth in G.S. 15A-743."

44 **SECTION 16.(c)** G.S. 15-204 reads as rewritten:

45 **"§ 15-204. Assignment, compensation and oath of probation officers.**

46 Probation officers appointed under this Article shall be assigned to serve in such courts or  
47 districts or otherwise as the Secretary of ~~Public Safety~~ Adult Correction may determine. They  
48 shall be paid annual salaries to be fixed by the Department of ~~Public Safety, Adult Correction,~~  
49 and shall also be paid traveling and other necessary expenses incurred in the performance of their  
50 official duties as probation officers when such expense accounts have been authorized and  
51 approved by the Secretary of ~~Public Safety~~ Adult Correction.

1 Each person appointed as a probation officer shall take an oath of office before the judge of  
2 the court or courts in which he is to serve, which oath shall be as follows:

3 "I, \_\_\_\_\_, do solemnly and sincerely swear that I will be faithful and bear true  
4 allegiance to the State of North Carolina, and to the constitutional powers and authorities which  
5 are or may be established for the government thereof; and that I will endeavor to support,  
6 maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the  
7 United States, to the best of my knowledge and ability; so help me God,"  
8 and shall be noted of record by the clerk of the court."

9 **SECTION 16.(d)** G.S. 15-207 reads as rewritten:

10 **"§ 15-207. Records treated as privileged information.**

11 All information and data obtained in the discharge of official duty by any probation officer  
12 shall be privileged information, shall not be receivable as evidence in any court, and shall not be  
13 disclosed directly or indirectly to any other than the judge or to others entitled under this Article  
14 to receive reports, unless and until otherwise ordered by a judge of the court or the Secretary of  
15 Public Safety-Adult Correction."

16 **SECTION 16.(e)** G.S. 15A-1332(c) reads as rewritten:

17 "(c) Presentence Commitment for Study. – When the court desires more detailed  
18 information as a basis for determining the sentence to be imposed than can be provided by a  
19 presentence investigation, the court may commit a defendant to the ~~Division of Community~~  
20 ~~Supervision and Reentry~~ of the Department of Adult Correction for study for the shortest period  
21 necessary to complete the study, not to exceed 90 days, if that defendant has been charged with  
22 or convicted of any felony or a Class A1 or Class 1 misdemeanor crime or crimes for which he  
23 may be imprisoned for more than six months and if he consents. The period of commitment must  
24 end when the study is completed, and may not exceed 90 days. The ~~Division-Department~~ must  
25 conduct a complete study of a defendant committed to it under this subsection, inquiring into  
26 such matters as the defendant's previous delinquency or criminal experience, his social  
27 background, his capabilities, his mental, emotional and physical health, and the availability of  
28 resources or programs appropriate to the defendant. Upon completion of the study or the end of  
29 the 90-day period, whichever occurs first, ~~the Division of Community Supervision and Reentry~~  
30 ~~of the~~ Department of Adult Correction must release the defendant to the sheriff of the county in  
31 which his case is docketed. The ~~Division-Department~~ must forward the study to the clerk in that  
32 county, including whatever recommendations the ~~Division-Department~~ believes will be helpful  
33 to a proper resolution of the case. When a defendant is returned from a presentence commitment  
34 for study, the conditions of pretrial release which obtained for the defendant before the  
35 commitment continue until judgment is entered, unless the conditions are modified under the  
36 provisions of G.S. 15A-534(e)."

37 **SECTION 16.(f)** G.S. 20-39.1(e) reads as rewritten:

38 "(e) Upon approval and request of the Director of the State Bureau of Investigation, the  
39 Commissioner shall issue confidential license plates to local, State, or federal law enforcement  
40 agencies, the Department of Public Safety, the Department of Adult Correction, agents of the  
41 Internal Revenue Service, and agents of the Department of Defense in accordance with the  
42 provisions of this subsection. Applicants in these categories shall provide satisfactory evidence  
43 to the Director of the State Bureau of Investigation of the following:

- 44 (1) The confidential license plate requested is to be used on a publicly owned or  
45 leased vehicle that is primarily used for transporting, apprehending, or  
46 arresting persons charged with violations of the laws of the United States or  
47 the State of North Carolina;
- 48 (2) The use of a confidential license plate is necessary to protect the personal  
49 safety of an officer or for placement on a vehicle used primarily for  
50 surveillance or undercover operations; and

- 1 (3) The application contains an original signature of the head of the requesting  
2 agency or department or, in the case of a federal agency, the signature of the  
3 senior ranking officer for that agency in this State.

4 Confidential license plates issued under this subsection shall be issued on an annual basis and  
5 the Division shall maintain a separate registration file for vehicles bearing confidential license  
6 plates. That file shall be confidential for the use of the Division and is not a public record within  
7 the meaning of Chapter 132 of the General Statutes. Upon the annual renewal of the registration  
8 of a vehicle for which a confidential status has been established under this section, the registration  
9 shall lose its confidential status unless the agency or department supplies the Director of the State  
10 Bureau of Investigation with information demonstrating that an officer's personal safety remains  
11 at risk or that the vehicle is still primarily used for surveillance or undercover operations at the  
12 time of renewal."

13 **SECTION 16.(g)** G.S. 148-32.1 reads as rewritten:

14 "**§ 148-32.1. Local confinement, costs, alternate facilities, parole, work release.**

15 ...

16 (b2) The Statewide Misdemeanant Confinement Program is established. The Program  
17 shall provide for the housing of misdemeanants from all counties serving sentences imposed for  
18 a period of more than 90 days and for all sentences imposed for impaired driving under  
19 G.S. 20-138.1, regardless of length. Those misdemeanants shall be confined in local confinement  
20 facilities except as provided in subsections (b3) and (b4) of this section. The Program shall  
21 address methods for the placement and transportation of inmates and reimbursement to counties  
22 for the housing of those inmates. Any county that voluntarily agrees to house misdemeanants  
23 from that county or from other counties pursuant to the Program may enter into a written  
24 agreement with the ~~Division~~ Department of Adult Correction and ~~Juvenile Justice~~ to do so.

25 The North Carolina Sheriffs' Association shall:

- 26 (1) Report no later than the fifteenth day of each month to the Office of State  
27 Budget and Management and the Fiscal Research Division on the Statewide  
28 Misdemeanant Confinement Program. Each monthly report shall include all  
29 of the following:  
30 a. The daily population delineated by misdemeanant or DWI monthly  
31 housing.  
32 b. The cost of housing prisoners under the Program.  
33 c. The cost of transporting prisoners under the Program.  
34 d. Personnel costs.  
35 e. Inmate medical care costs.  
36 f. The number of counties that volunteer to house inmates under the  
37 Program.  
38 g. The administrative costs paid to the Sheriffs' Association and to the  
39 Department of ~~Public Safety~~ Adult Correction.
- 40 (2) Report no later than October 1 of each year to the chairs of the House of  
41 Representatives Appropriations Committee on Justice and Public Safety and  
42 the Senate Appropriations Committee on Justice and Public Safety and the  
43 Joint Legislative Oversight Committee on Justice and Public Safety on the  
44 Statewide Misdemeanant Confinement Program. The report shall include the  
45 following with respect to the prior fiscal year:  
46 a. The cost of housing prisoners by county under the Program.  
47 b. The cost of transporting prisoners by county under the Program.  
48 c. Personnel costs by county.  
49 d. Inmate medical care costs by county.  
50 e. The number of counties that volunteer to house inmates under the  
51 Program.

f. The administrative costs paid to the Sheriffs' Association and to the Department of ~~Public Safety~~Adult Correction.

...

(e) Upon entry of a prisoner serving a sentence of imprisonment for impaired driving under G.S. 20-138.1 into a local confinement facility or to a detention facility approved by the ~~Division of Juvenile Justice Section of the Division of Prisons of the Department of Public Safety~~ pursuant to this section, the custodian of the local confinement facility or detention facility shall forward to the Post-Release Supervision and Parole Commission information pertaining to the prisoner so as to make him eligible for parole consideration pursuant to G.S. 15A-1371. Such information shall include date of incarceration, jail credit, and such other information as may be required by the Post-Release Supervision and Parole Commission. The Post-Release Supervision and Parole Commission shall approve a form upon which the custodian shall furnish this information, which form will be provided to the custodian by the Division of Prisons."

**EFFECTIVE DATE**

**SECTION 17.** Except as otherwise provided, this act is effective when it becomes law.