

1 **Chapter 148.**  
2 **State Prison System.**

3 Article 1.

4 Organization and Management.

5 **§ 148-1. Repealed by Session Laws 1973, c. 1262, s. 10.**

6  
7 **§ 148-2. Prison moneys and earnings.**

8 (a) Persons authorized to collect or receive the moneys and earnings of the State prison  
9 system shall enter into bonds payable to the State of North Carolina in penal sums and with  
10 security approved by the Division of Adult Correction of the Department of Public Safety,  
11 conditioned upon the faithful performance by these persons of their duties in collecting,  
12 receiving, and paying over prison moneys and earnings to the State Treasurer. Only corporate  
13 security with sureties licensed to do business in North Carolina shall be accepted.

14 (b) Repealed by Session Laws 2007-280, s. 2, effective August 1, 2007.

15 (c) Notwithstanding G.S. 147-77, Article 6A of Chapter 147 of the General Statutes, or  
16 any other provision of law, the Division of Adult Correction of the Department of Public Safety  
17 may deposit revenue from prison canteens in local banks. The profits from prison canteens  
18 shall be deposited with the State Treasurer on a monthly basis in a fund denominated as the  
19 Correction Inmate Welfare Fund. Once the operating budget for the Correction Inmate Welfare  
20 Fund has been met, an amount equal to the funds allocated to each prison unit on a per inmate  
21 per year basis shall be credited to the Crime Victims Compensation Fund established in G.S.  
22 15B-23 as soon as practicable after the total amount paid to each unit per inmate per year has  
23 been determined. (1901, c. 472, s. 7; Rev., s. 5389; C.S., s. 7704; 1923, c. 156; 1925, c. 163;  
24 1933, c. 172, s. 18; 1957, c. 349, s. 2; 1967, c. 996, s. 14; 1973, c. 1262, s. 10; 1985 (Reg.  
25 Sess., 1986), c. 1014, s. 203; 1991 (Reg. Sess., 1992), c. 902, s. 4; 1993 (Reg. Sess., 1994), c.  
26 769, s. 21.5(a); 2007-280, s. 2; 2011-145, s. 19.1(h).)  
27

28 **§ 148-3. Prison property.**

29 (a) The State Division of Adult Correction of the Department of Public Safety shall  
30 subject to the provisions of G.S. 143-341, have control and custody of all unexpended surplus  
31 highway funds previously allocated for prison purposes and all property of every kind and  
32 description now used by or considered a part of units of the State prison system, except  
33 vehicles used on a rental basis. The property coming within the provisions of this section shall  
34 be identified and agreed upon by the executive heads of the highway and prison systems, or by  
35 their duly authorized representatives. The Governor shall have final authority to decide whether  
36 or not particular property shall be transferred to the Division of Adult Correction of the  
37 Department of Public Safety in event the executive heads of the two systems are unable to  
38 agree.

39 (b) Property, both real and personal, deemed by the Division of Adult Correction of the  
40 Department of Public Safety to be necessary or convenient in the operation of the State prison  
41 system may, subject to the provisions of G.S. 143-341, be acquired by gift, devise, purchase, or  
42 lease. The Division of Adult Correction of the Department of Public Safety may, subject to the  
43 provisions of G.S. 143-341, dispose of any prison property, either real or personal, or any  
44 interest or estate therein. (1901, c. 472, ss. 2, 6; Rev., s. 5392; C.S., s. 7705; 1925, c. 163;  
45 1933, c. 172, s. 18; 1943, c. 409; 1957, c. 349, s. 3; 1967, c. 996, s. 13; 2011-145, s. 19.1(h).)  
46

47 **§ 148-4. Control and custody of prisoners; authorizing prisoner to leave place of**  
48 **confinement.**

49 The Secretary of Public Safety shall have control and custody of all prisoners serving  
50 sentence in the State prison system, and such prisoners shall be subject to all the rules and  
51 regulations legally adopted for the government thereof. Any sentence to imprisonment in any

1 unit of the State prison system, or to jail to be assigned to work under the State Division of  
2 Adult Correction of the Department of Public Safety, shall be construed as a commitment, for  
3 such terms of imprisonment as the court may direct, to the custody of the Secretary of Public  
4 Safety or his authorized representative, who shall designate the places of confinement within  
5 the State prison system where the sentences of all such persons shall be served. The authorized  
6 agents of the Secretary shall have all the authority of peace officers for the purpose of  
7 transferring prisoners from place to place in the State as their duties might require and for  
8 apprehending, arresting, and returning to prison escaped prisoners, and may be commissioned  
9 by the Governor, either generally or specially, as special officers for returning escaped  
10 prisoners or other fugitives from justice from outside the State, when such persons have been  
11 extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and  
12 political subdivisions of the State hiring prisoners to perform work outside prison confines may  
13 be designated as the authorized agents of the Secretary of Public Safety for the purpose of  
14 maintaining control and custody of prisoners who may be placed under the supervision and  
15 control of such employees, including guarding and transferring such prisoners from place to  
16 place in the State as their duties might require, and apprehending and arresting escaped  
17 prisoners and returning them to prison. The governing authorities of the State prison system are  
18 authorized to determine by rules and regulations the manner of designating these agents and  
19 placing prisoners under their supervision and control, which rules and regulations shall be  
20 established in the same manner as other rules and regulations for the government of the State  
21 prison system.

22 The Secretary of Public Safety may extend the limits of the place of confinement of a  
23 prisoner, as to whom there is reasonable cause to believe he will honor his trust, by authorizing  
24 him, under prescribed conditions, to leave the confines of that place unaccompanied by a  
25 custodial agent for a prescribed period of time to

- 26 (1) Contact prospective employers; or
- 27 (2) Secure a suitable residence for use when released on parole or upon  
28 discharge; or
- 29 (3) Obtain medical services not otherwise available; or
- 30 (4) Participate in a training program in the community; or
- 31 (5) Visit or attend the funeral of a spouse, child (including stepchild, adopted  
32 child or child as to whom the prisoner, though not a natural parent, has acted  
33 in the place of a parent), parent (including a person though not a natural  
34 parent, has acted in the place of a parent), brother, or sister; or
- 35 (6) Participate in community-based programs of rehabilitation, including, but  
36 not limited to the existing community volunteer and home-leave programs,  
37 pre-release and after-care programs as may be provided for and administered  
38 by the Secretary of Public Safety and other programs determined by the  
39 Secretary of Public Safety to be consistent with the prisoner's rehabilitation  
40 and return to society; or
- 41 (7) Be on maternity leave, for a period of time not to exceed 60 days. The  
42 county departments of social services are expected to cooperate with  
43 officials at the North Carolina Correctional Center for Women to coordinate  
44 prenatal care, financial services, and placement of the child; or
- 45 (8) Receive palliative care, only in the case of a terminally ill inmate or a  
46 permanently and totally disabled inmate that the Secretary finds no longer  
47 poses a significant public safety risk, and only after consultation with any  
48 victims of the inmate or the victims' families. For purposes of this  
49 subdivision, the term "terminally ill" describes an inmate who, as determined  
50 by a licensed physician, has an incurable condition caused by illness or  
51 disease that was unknown at the time of sentencing and was not diagnosed

1 upon entry to prison, that will likely produce death within six months, and  
2 that is so debilitating that it is highly unlikely that the inmate poses a  
3 significant public safety risk. For purposes of this subdivision, the term  
4 "permanently and totally disabled" describes an inmate who, as determined  
5 by a licensed physician, suffers from permanent and irreversible physical  
6 incapacitation as a result of an existing physical or medical condition that  
7 was unknown at the time of sentencing and was not diagnosed upon entry to  
8 prison, and that is so incapacitating that it is highly unlikely that the inmate  
9 poses a significant public safety risk. The Department's medical director  
10 shall notify the Secretary immediately when an inmate has been classified as  
11 terminally ill and shall provide regular reports on inmates classified as  
12 permanently and totally disabled. The Secretary shall act expeditiously in  
13 determining whether to extend the limits of confinement under this  
14 subdivision upon receiving notice that an inmate has been classified as  
15 terminally ill or permanently and totally disabled and, in the case of a  
16 terminally ill inmate, the Secretary shall make a good faith effort to reach a  
17 determination within 30 days of receiving notice of the inmate's terminal  
18 condition.

19 The willful failure of a prisoner to remain within the extended limits of his confinement, or to  
20 return within the time prescribed to the place of confinement designated by the Secretary of  
21 Public Safety, shall be deemed an escape from the custody of the Secretary of Public Safety  
22 punishable as provided in G.S. 148-45. (1901, c. 472, s. 4; Rev., s. 5390; C.S., s. 7706; 1925,  
23 c. 163; 1933, c. 172, ss. 5, 18; 1935, c. 257, s. 2; 1943, c. 409; 1955, c. 238, s. 2; 1957, c. 349,  
24 s. 10; 1959, c. 109; 1965, c. 1042; 1967, c. 996, ss. 13, 15; 1973, c. 902; c. 1262, s. 10; 1977, c.  
25 704, s. 5; 1985, c. 483; 2001-424, s. 25.9(a); 2005-276, s. 17.13; 2011-145, s. 19.1(h), (i).)

26  
27 **§ 148-4.1. Release of inmates.**

28 (a) Whenever the Secretary of Public Safety determines from data compiled by the  
29 Division of Adult Correction of the Department of Public Safety that it is necessary to reduce  
30 the prison population to a more manageable level or to meet the State's obligations under law,  
31 he shall direct the Post-Release Supervision and Parole Commission to release on parole over a  
32 reasonable period of time a number of prisoners sufficient to that purpose. From the time the  
33 Secretary directs the Post-Release Supervision and Parole Commission until the prison  
34 population has been reduced to a more manageable level, the Secretary may not accept any  
35 inmates ordered transferred from local confinement facilities to the State prison system under  
36 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State prison  
37 system under an order entered pursuant to G.S. 148-32.1(b) to the local confinement facility  
38 from which the inmate was transferred. In order to meet the requirements of this section, the  
39 Parole Commission shall not parole any person convicted under Article 7A of Chapter 14 of a  
40 sex offense, under G.S. 14-39, 14-41, or 14-43.3, under G.S. 90-95(h) of a drug trafficking  
41 offense, or under G.S. 14-17, or any other violent felon as defined in subsection (a1) of this  
42 section. The Parole Commission may continue to consider the suitability for release of such  
43 persons in accordance with the criteria set forth in Articles 85 and 85A of Chapter 15A.

44 (a1) Notwithstanding any other provision of this section, the Division of Adult  
45 Correction of the Department of Public Safety shall at all times secure the necessary prison  
46 space to house any violent felon or habitual felon for the full active sentence imposed by the  
47 court. For purposes of this subsection, the term "violent felon" means any person convicted of  
48 the following felony offenses: first or second degree murder, voluntary manslaughter, first or  
49 second degree rape, first or second degree sexual offense, any sexual offense involving a  
50 minor, robbery, kidnapping, or assault, or attempting, soliciting, or conspiring to commit any of  
51 those offenses.

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

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

7 (c1) through (g). Repealed by 1995 Session Laws, c. 324, s. 19.9(e).

8 (g1) Expired July 1, 1996.

9 (h) A person sentenced under Article 81B of Chapter 15A of the General Statutes shall  
10 not be released pursuant to this section.

11 (i) This section does not apply to inmates released pursuant to G.S. 148-64.1. (1983, c.  
12 557, s. 1; 1985 (Reg. Sess., 1986), c. 1014, s. 197(a); 1987, c. 7, ss. 1, 3, 4; c. 879, s. 1.2; 1989,  
13 c. 1, s. 1; 1990, Ex. Sess., c. 1, ss. 1-3.3; 1989 (Reg. Sess., 1990), c. 933, ss. 10-13; 1991, c.  
14 187, s. 2; c. 217, ss. 6, 7; c. 437, ss. 1-9; 1991 (Reg. Sess., 1992), c. 1036, ss. 5-7; 1993, c. 91,  
15 ss. 1-9; c. 538, s. 31; 1994, Ex. Sess., c. 14, s. 64; c. 15, ss. 1-4; c. 24, s. 14(b), (e); 1995, c.  
16 324, s. 19.9(a)-(e); 2008-199, s. 1; 2011-145, s. 19.1(h), (i).)

17  
18 **§ 148-5. Secretary to manage prison property.**

19 The Secretary of Public Safety shall manage and have charge of all the property and effects  
20 of the State prison system, and conduct all its affairs subject to the provisions of this Chapter  
21 and the rules and regulations legally adopted for the government thereof. (1933, c. 172, s. 4;  
22 1955, c. 238, s. 3; 1967, c. 996, s. 15; 1973, c. 1262, s. 10; 2011-145, s. 19.1(i).)

23  
24 **§ 148-5.1. Confining inmates away from victims.**

25 If a victim or immediate family member of a victim requests that, for the safety of the  
26 victim or family member, an inmate be confined outside the county where the victim or family  
27 member resides or is employed, the Department shall make a reasonable effort to house the  
28 inmate in a facility in another county. If the inmate is not so housed in another county, the  
29 Department shall notify the victim or family member in writing. (2001-433, s. 10; 2001-487, s.  
30 120.)

31  
32 **§ 148-6. Custody, employment and hiring out of convicts.**

33 The State Division of Adult Correction of the Department of Public Safety shall provide for  
34 receiving, and keeping in custody until discharged by law, all such convicts as may be now  
35 confined in the prison and such as may be hereafter sentenced to imprisonment therein by the  
36 several courts of this State. The Division shall have full power and authority to provide for  
37 employment of such convicts, either in the prison or on farms leased or owned by the State of  
38 North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any  
39 able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or  
40 employed, shall remain under the actual management, control and care of the Division. (1895,  
41 c. 194, s. 5; 1897, c. 270; 1901, c. 472, ss. 5, 6; Rev., s. 5391; C.S., s. 7707; 1925, c. 163; 1933,  
42 c. 172, s. 18; 1957, c. 349, s. 10; 1967, c. 996, s. 13; 2007-398, s. 2; 2011-145, s. 19.1(h).)

43  
44 **§ 148-7: Repealed by Session Laws 1995, c. 233, s. 1.**

45  
46 **§ 148-8. Transferred to § 66-58(b)(15) by Session Laws 1975, c. 730, s. 2.**

47  
48 **§ 148-8.1. Transferred to § 66-58(b)(16) by Session Laws 1975, c. 730, s. 3.**

49  
50 **§ 148-9. Repealed by Session Laws 1973, c. 476, s. 138.**  
51

1 **§ 148-10. Department of Environment and Natural Resources to supervise sanitary and**  
2 **health conditions of prisoners.**

3 The Department of Environment and Natural Resources shall have general supervision over  
4 the sanitary and health conditions of the central prison, over the prison camps, or other places  
5 of confinement of prisoners under the jurisdiction of the State Division of Adult Correction of  
6 the Department of Public Safety, and shall make periodic examinations of the same and report  
7 to the State Division of Adult Correction of the Department of Public Safety the conditions  
8 found there with respect to the sanitary and hygienic care of such prisoners. (1917, c. 286, s. 8;  
9 1919, c. 80, s. 4; C.S., s. 7714; 1925, c. 163; 1933, c. 172, s. 22; 1943, c. 409; 1957, c. 349, s.  
10 10; 1967, c. 996, s. 13; 1973, c. 476, s. 128; 1989, c. 727, s. 219(37); 1997-443, s. 11A.111;  
11 2011-145, s. 19.1(h).)

12  
13 **§ 148-10.1. Employment of clinical chaplains for inmates.**

14 The Division of Adult Correction of the Department of Public Safety is authorized and  
15 directed to employ clinical chaplains to provide moral, spiritual and social counselling and  
16 ministerial services to inmates in the custody of the Secretary of Public Safety. The Division of  
17 Adult Correction of the Department of Public Safety shall seek to employ a diversity of  
18 qualified persons having differing faiths which are to the extent practicable reflective of the  
19 professed religious composition of the inmate population. (1977, c. 950, s. 1; 2011-145, s.  
20 19.1(h), (i).)

21  
22 **§ 148-10.2. Policy: Certain inmates not to contact family members of victims.**

23 (a) It shall be the policy of the Division of Adult Correction of the Department of  
24 Public Safety to prohibit death row inmates from contacting the surviving family members of  
25 the victims without the written consent of the family members being contacted. For purposes of  
26 this subsection, the term "contact" includes arranging for a third party to forward  
27 communications from the inmate to the surviving family members of the victim.

28 (b) At the request of the victim or a family member of the victim, the Division of Adult  
29 Correction of the Department of Public Safety shall prohibit an inmate convicted of an offense  
30 listed in G.S. 15A-830(a)(7) from contacting the requesting party. For purposes of this  
31 subsection, the term "contact" includes arranging for a third party to forward communications  
32 from the inmate to the victim or family member.

33 (c) The Division of Adult Correction of the Department of Public Safety shall develop  
34 and impose sanctions against any inmate who violates the provisions of this section.  
35 (1999-358, s. 1; 2001-433, s. 9; 2001-487, s. 120; 2011-145, s. 19.1(h).)

36  
37 **§ 148-10.3. Electronic monitoring costs.**

38 Personnel, equipment, and other costs of providing electronic monitoring of pretrial or  
39 sentenced offenders shall be reimbursed to the Division of Adult Correction of the Department  
40 of Public Safety by the State or local agency requesting the service in an amount not exceeding  
41 the actual costs. (2002-126, s. 17.10(a); 2011-145, s. 19.1(h).)

42  
43 **§ 148-10.4. Statewide Misdemeanant Confinement Fund.**

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

- 45 (1) Division. – Division of Adult Correction of the Department of Public Safety.  
46 (2) Fund. – The Statewide Misdemeanant Confinement Fund established by this  
47 section.  
48 (3) Program. – Statewide Misdemeanant Confinement Program established  
49 under G.S. 148-32.1(b3).  
50 (4) Sheriffs' Association. – North Carolina Sheriffs' Association, Inc.

1 (b) Intent and Purpose. – It is the intent of the General Assembly that the funds in the  
2 Fund established by this section be used to reimburse local governments for expenses incurred  
3 for housing misdemeanants under the Program, and other related expenses; and to cover  
4 administrative costs incurred by the Sheriffs' Association for services provided by it regarding  
5 the housing of these misdemeanants.

6 (c) Statewide Misdemeanant Confinement Fund established. – There is created within  
7 the Division of Adult Correction a special nonreverting fund called the Statewide  
8 Misdemeanant Confinement Fund.

9 (d) Fund Uses. – Moneys in the Fund may be used for the following:

10 (1) Reimbursements by the Sheriffs' Association to counties for the costs of  
11 housing misdemeanants under the Program, including the care, supervision,  
12 and transportation of those misdemeanants.

13 (2) Reimbursements to the Division of Adult Correction for the cost of housing  
14 misdemeanants transferred to the Division pursuant to G.S. 148-32.1(b3),  
15 including the care, supervision, and transportation of those misdemeanants.

16 (3) To pay the Sheriffs' Association for administrative and operating expenses  
17 pursuant to subsection (e) of this section.

18 (4) To pay the Division of Adult Correction for administrative and operating  
19 expenses pursuant to subsection (e) of this section.

20 (e) Operating and Administrative Expenses. – Ten percent (10%) of the monthly  
21 receipts collected and credited to the Statewide Misdemeanant Confinement Fund shall be  
22 transferred on a monthly basis to the Sheriffs' Association to be used to support the Program  
23 and for administrative and operating expenses of the Association and its staff. One percent  
24 (1%) of the monthly receipts collected and credited to the Statewide Misdemeanant  
25 Confinement Fund shall be transferred on a monthly basis to the General Fund to be allocated  
26 to the Division of Adult Correction for its administrative and operating expenses for the  
27 Program. (2011-145, s. 19.1(h), (i); 2011-192, s. 7(h).)