

1 Article 2.

2 Prison Regulations.

3 **§ 148-11. Authority to adopt rules; authority to designate uniforms.**

4 (a) The Secretary shall adopt rules for the government of the State prison system. The
5 Secretary shall have the rules that pertain to enforcing discipline read to every prisoner when
6 received in the State prison system and a printed copy of these rules made available to the
7 prisoners.

8 (b) The Secretary of Public Safety has sole authority to designate the uniforms worn by
9 inmates confined in the Section of Prisons of the Division of Adult Correction. (1873-4, c. 158,
10 s. 15; Code, s. 3444; Rev., s. 5401; C.S., s. 7721; 1925, c. 163; 1933, c. 172, s. 18; 1955, c. 238,
11 s. 4; 1957, c. 349, s. 4; 1967, c. 996, ss. 14, 15; 1973, c. 1262, s. 10; 1983, c. 147, s. 1; 1987, c.
12 827, s. 1; 1991, c. 418, s. 15; c. 477, ss. 6, 8; 1995, c. 507, s. 27.8(u); 1999-109, s. 2; 2011-145,
13 s. 19.1(i), (j).)

14
15 **§ 148-12. Diagnostic and classification programs.**

16 (a) The Division of Adult Correction of the Department of Public Safety shall, as soon
17 as practicable, establish diagnostic centers to make social, medical, and psychological studies
18 of persons committed to the Division. Full diagnostic studies shall be made before initial
19 classification in cases where such studies have not been made.

20 (b) Repealed by Session Laws 1977, c. 711, s. 33, effective July 1, 1978.

21 (c) Any prisoner confined in the State prison system while under a sentence of
22 imprisonment imposed upon conviction of a felony shall be classified and treated as a
23 convicted felon even if, before beginning service of the felony sentence, such prisoner has time
24 remaining to be served in the State prison system on a sentence or sentences imposed upon
25 conviction of a misdemeanor or misdemeanors. (1917, c. 278, s. 2; 1919, c. 191, s. 2; C.S., s.
26 7750; 1925, c. 163; 1933, c. 172, s. 18; 1955, c. 238, s. 5; 1959, c. 50; 1967, c. 996, s. 2; 1973,
27 c. 1446, s. 27; 1977, c. 711, s. 33; 1977, 2nd Sess., c. 1147, s. 32; 2011-145, s. 19.1(h).)

28
29 **§ 148-13. Regulations as to custody grades, privileges, gain time credit, etc.**

30 (a) The Secretary of Public Safety may issue regulations regarding the grades of
31 custody in which State prisoners are kept, the privileges and restrictions applicable to each
32 custody grade, and the amount of cash, clothing, etc., to be awarded to State prisoners after
33 their discharge or parole. The amount of cash awarded to a prisoner upon discharge or parole
34 after being incarcerated for two years or longer shall be at least forty-five dollars (\$45.00).

35 (a1) The Secretary of Public Safety shall adopt rules to specify the rates at, and
36 circumstances under, which earned time authorized by G.S. 15A-1340.13(d) and G.S.
37 15A-1340.20(d) may be earned or forfeited by persons serving activated sentences of
38 imprisonment for felony or misdemeanor convictions.

39 (b) With respect to prisoners who are serving prison or jail terms for impaired driving
40 offenses under G.S. 20-138.1, the Secretary of Public Safety may, in his discretion, issue
41 regulations regarding deductions of time from the terms of such prisoners for good behavior,
42 meritorious conduct, work or study, participation in rehabilitation programs, and the like.

43 (c), (d) Repealed by Session Laws 1993, c. 538, s. 32, effective January 1, 1995.

44 (e) The Secretary's regulations concerning earned time credits authorized by this section
45 shall be distributed to and followed by local jail administrators with regard to sentenced jail
46 prisoners.

47 (f) The provisions of this section do not apply to persons sentenced to a term of special
48 probation under G.S. 15A-1344(e) or G.S. 15A-1351(a). (1933, c. 172, s. 23; 1935, c. 414, s.
49 15; 1937, c. 88, s. 1; 1943, c. 409; 1955, c. 238, s. 6; 1979, c. 760, s. 4; 1979, 2nd Sess., c.
50 1316, ss. 43-47; 1981, c. 63, s. 1; c. 179, s. 14; c. 662, ss. 8, 9; 1983, c. 560, s. 3; 1985, c. 310,

1 ss. 1-4; 1987 (Reg. Sess., 1988), c. 1086, s. 120(a); 1991, c. 187, s. 3; 1993, c. 538, s. 32; 1994,
2 Ex. Sess., c. 24, s. 14(b); 2011-145, s. 19.1(i).)

3
4 **§§ 148-14 through 148-17. Repealed by Session Laws 1943, c. 409.**

5
6 **§ 148-18. Wages, allowances and loans.**

7 (a) Prisoners employed by Correction Enterprises shall be compensated as set forth in
8 Article 14 of this Chapter. Prisoners participating in work assignments established by the
9 Section of Prisons of the Division of Adult Correction shall be compensated at rates fixed by
10 the Division of Adult Correction of the Department of Public Safety's rules and regulations;
11 provided, that no prisoner so paid shall receive more than one dollar (\$1.00) per day, unless the
12 Secretary determines that the work assignment requires special skills or training. Upon
13 approval of the Secretary, inmates working in job assignments requiring special skills or
14 training may be paid up to three dollars (\$3.00) per day. The Correction Enterprises Fund shall
15 be the source of wages and allowances provided to inmates who are employed by the Division
16 of Adult Correction of the Department of Public Safety in work assignments established by the
17 Section of Prisons of the Division of Adult Correction.

18 (b) A prisoner shall be required to contribute to the support of any of his dependents
19 residing in North Carolina who may be receiving public assistance during the period of
20 commitment if funds available to the prisoner are adequate for such purpose. The dependency
21 status and need shall be determined by the department of social services in the county of North
22 Carolina in which such dependents reside.

23 (c) Repealed by Session Laws 1995, c. 233, s. 2. (1935, c. 414, s. 19; 1967, c. 996, s. 3;
24 1969, c. 982; 1973, c. 1262, s. 10; 1975, c. 506, s. 3; c. 716, s. 7; 1991 (Reg. Sess., 1992), c.
25 902, s. 5; 1993, c. 321, s. 175; 1995, c. 233, s. 2; 2007-280, s. 3; 2011-145, s. 19.1(h), (j).)

26
27 **§ 148-18.1. Confiscation of unauthorized articles.**

28 Any item of personal property which a prisoner in any correctional facility is prohibited
29 from possessing by State law or which is not authorized by rules adopted by the Secretary of
30 Public Safety shall, when found in the possession of a prisoner, be confiscated and destroyed or
31 otherwise disposed of as the Secretary may direct. Any unauthorized funds confiscated under
32 this section or funds from the sale of confiscated property shall be deposited to Inmate Welfare
33 Fund maintained by the Division of Adult Correction of the Department of Public Safety.
34 (1983, c. 289, s. 1; 2011-145, s. 19.1(h), (i).)

35
36 **§ 148-19. Health services.**

37 (a) The general policies, rules and regulations of the Division of Adult Correction of the
38 Department of Public Safety shall prescribe standards for health services to prisoners, which
39 shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a
40 hospital basis, for all types of patients. A prisoner may be taken, when necessary, to a medical
41 facility outside the State prison system. The Division of Adult Correction of the Department of
42 Public Safety shall seek the cooperation of public and private agencies, institutions, officials
43 and individuals in the development of adequate health services to prisoners.

44 (b) Upon request of the Secretary of Public Safety, the Secretary of Health and Human
45 Services may detail personnel employed by the Department of Health and Human Services to
46 the Division of Adult Correction of the Department of Public Safety for the purpose of
47 supervising and furnishing medical, psychiatric, psychological, dental, and other technical and
48 scientific services to the Division of Adult Correction of the Department of Public Safety. The
49 compensation, allowances, and expenses of the personnel detailed under this section may be
50 paid from applicable appropriations to the Department of Health and Human Services, and
51 reimbursed from applicable appropriations to the Division of Adult Correction of the

1 Department of Public Safety. The Secretary of Public Safety may make similar arrangements
2 with any other agency of State government able and willing to aid the Division of Adult
3 Correction of the Department of Public Safety to meet the needs of prisoners for health
4 services.

5 (c) Each prisoner committed to the State Division of Adult Correction of the
6 Department of Public Safety shall receive a physical and mental examination by a health care
7 professional authorized by the North Carolina Medical Board to perform such examinations as
8 soon as practicable after admission and before being assigned to work. The prisoner's work and
9 other assignments shall be made with due regard for the prisoner's physical and mental
10 condition.

11 (d) The Commission for Mental Health, Developmental Disabilities, and Substance
12 Abuse Services shall adopt standards for the delivery of mental health and mental retardation
13 services to inmates in the custody of the Division of Adult Correction of the Department of
14 Public Safety. The Commission for Mental Health, Developmental Disabilities, and Substance
15 Abuse Services shall give the Secretary of Public Safety an opportunity to review and comment
16 on proposed standards prior to promulgation of such standards; however, final authority to
17 determine such standards remains with the Commission. The Secretary of the Department of
18 Health and Human Services shall designate an agency or agencies within the Department of
19 Health and Human Services to monitor the implementation by the Division of Adult Correction
20 of the Department of Public Safety of these standards and of substance abuse standards adopted
21 by the Division of Adult Correction of the Department of Public Safety. The Secretary of
22 Health and Human Services shall send a written report on the progress which the Division of
23 Adult Correction of the Department of Public Safety has made on the implementation of such
24 standards to the Governor, the Lieutenant Governor, and the Speaker of the House. Such
25 reports shall be made on an annual basis beginning January 1, 1978. (1917, c. 286, s. 22; C.S.,
26 s. 7727; 1925, c. 163; 1933, c. 172, s. 18; 1957, c. 349, s. 10; 1967, c. 996, s. 4; 1973, c. 476, s.
27 133; c. 1262, s. 10; 1977, c. 332; c. 679, s. 7; 1981, c. 51, s. 6; c. 707, ss. 1, 2; 1985, c. 589, s.
28 55.1; 1991, c. 405, s. 1; 1995, c. 94, s. 36; 1997-443, s. 11A.118(a); 2011-145, s. 19.1(h), (i);
29 2011-266, s. 1.17(b).)

30
31 **§ 148-19.1. Exemption from licensure and certificate of need.**

32 (a) Inpatient chemical dependency or substance abuse facilities that provide services
33 exclusively to inmates of the Division of Adult Correction of the Department of Public Safety
34 shall be exempt from licensure by the Department of Health and Human Services under
35 Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse
36 facility provides services both to inmates of the Division of Adult Correction of the Department
37 of Public Safety and to members of the general public, the portion of the facility that serves
38 inmates shall be exempt from licensure.

39 (b) Any person who contracts to provide inpatient chemical dependency or substance
40 abuse services to inmates of the Division of Adult Correction of the Department of Public
41 Safety may construct and operate a new chemical dependency or substance abuse facility for
42 that purpose without first obtaining a certificate of need from the Department of Health and
43 Human Services pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new
44 facility or addition developed for that purpose without a certificate of need shall not be licensed
45 pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates
46 unless the owner or operator first obtains a certificate of need. (2001-424, s. 25.19(a);
47 2011-145, s. 19.1(h).)

48
49 **§ 148-20. Corporal punishment of prisoners prohibited.**

50 It is unlawful for the Secretary of Public Safety or any other person having the care,
51 custody, or control of any prisoner in this State to make or enforce any rule or regulation

1 providing for the whipping, flogging, or administration of any similar corporal punishment of
2 any prisoner, or to give any specific order for or cause to be administered or personally to
3 administer or inflict any such corporal punishment. (1917, c. 286, s. 7; C.S., s. 7728; 1925, c.
4 163; 1933, c. 172, s. 18; 1955, c. 238, s. 9; 1963, c. 1174, s. 1; 1967, c. 996, s. 15; 1973, c.
5 1262, s. 10; 2011-145, s. 19.1(i).)

6
7 **§ 148-21. Repealed by Session Laws 1963, c. 1174, s. 5.**

8
9 **§ 148-22. Treatment programs.**

10 (a) The general policies, rules and regulations of the Division of Adult Correction of the
11 Department of Public Safety shall provide for humane treatment of prisoners and for programs
12 to effect their correction and return to the community as promptly as practicable. Visits and
13 correspondence between prisoners and approved friends shall be authorized under reasonable
14 conditions, and family members shall be permitted and encouraged to maintain close contact
15 with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and
16 psychotherapy services provided to prisoners may be extended to include members of the
17 prisoner's family if practicable and necessary to achieve the purposes of such programs.
18 Education, library, recreation, and vocational training programs shall be developed so as to
19 coordinate with corresponding services and opportunities which will be available to the
20 prisoner when he is released. Programs may be established for the treatment and training of
21 mentally retarded prisoners and other special groups. These programs may be operated in
22 segregated sections of facilities housing other prisoners or in separate facilities.

23 (b) The Division of Adult Correction of the Department of Public Safety may cooperate
24 with and seek the cooperation of public and private agencies, institutions, officials, and
25 individuals in the development and conduct of programs designed to give persons committed to
26 the Division opportunities for physical, mental and moral improvement. The Division may
27 enter into agreements with other agencies of federal, State or local government and with private
28 agencies to promote the most effective use of available resources.

29 Specifically the Secretary of Public Safety may enter into contracts or agreements with
30 appropriate public or private agencies offering needed services including health, mental health,
31 mental retardation, substance abuse, rehabilitative or training services for such inmates of the
32 Division of Adult Correction of the Department of Public Safety as the Secretary may deem
33 eligible. These agencies shall be reimbursed from applicable appropriations to the Division of
34 Adult Correction of the Department of Public Safety for services rendered at a rate not to
35 exceed that which such agencies normally receive for serving their regular clients.

36 The Secretary may contract for the housing of work-release inmates at county jails and
37 local confinement facilities. Inmates may be placed in the care of such agencies but shall
38 remain the responsibility of the Division and shall be subject to the complete supervision of the
39 Division. The Division may reimburse such agencies for the support of such inmates at a rate
40 not in excess of the average daily cost of inmate care in the corrections unit to which the inmate
41 would otherwise be assigned. (1917, c. 286, s. 15; C.S., s. 7732; 1925, c. 163; 1933, c. 172, s.
42 18; 1955, c. 238, s. 9; 1967, c. 996, s. 5; 1975, c. 679, ss. 1, 2; 1977, c. 297; 1983, c. 376; 1985,
43 c. 589, s. 55; 2011-145, s. 19.1(h), (i).)

44
45 **§ 148-22.1. Educational facilities and programs for selected inmates.**

46 (a) The State Division of Adult Correction of the Department of Public Safety is
47 authorized to take advantage of aid available from any source in establishing facilities and
48 developing programs to provide inmates of the State prison system with such academic and
49 vocational and technical education as seems most likely to facilitate the rehabilitation of these
50 inmates and their return to free society with attitudes, knowledge, and skills that will improve
51 their prospects of becoming law-abiding and self-supporting citizens. The State Department of

1 Public Instruction is authorized to cooperate with the State Division of Adult Correction of the
2 Department of Public Safety in planning academic and vocational and technical education of
3 prison system inmates, but the State Department of Public Instruction is not authorized to
4 expend any funds in this connection.

5 (b) In expending funds that may be made available for facilities and programs to
6 provide inmates of the State prison system with academic and vocational and technical
7 education, the State Division of Adult Correction of the Department of Public Safety shall give
8 priority to meeting the needs of inmates who are less than 21 years of age when received in the
9 prison system with a sentence or sentences under which they will be held for not less than six
10 months nor more than five years before becoming eligible to be considered for a parole or
11 unconditional release. These inmates shall be given appropriate tests to determine their
12 educational needs and aptitudes. When the necessary arrangements can be made, they shall
13 receive such instruction as may be deemed practical and advisable for them.

14 (c) The Secretary of Public Safety, in consultation with the Office of State Personnel,
15 shall set the salary supplement paid to teachers, instructional support personnel, and
16 school-based administrators who are Division of Prison employees and are licensed by the
17 State Board of Education. The salary supplement shall be at least five percent (5%), but not
18 more than the percentage supplement they would receive if they were employed in the local
19 school administrative unit where the job site is located. These salary supplements shall not be
20 paid to central office staff. Nothing in this subsection shall be construed to include "merit pay"
21 under the term "salary supplement". (1959, c. 431; 1967, c. 996, s. 13; 1985, c. 226, s. 1; 1993,
22 c. 180, s. 8; 2005-276, s. 29.19(c); 2011-145, s. 19.1(h), (i).)

23 24 **§ 148-22.2. Procedure when surgical operations on inmates are necessary.**

25 The medical staff of any penal institution of the State of North Carolina is hereby
26 authorized to perform or cause to be performed by competent and skillful surgeons surgical
27 operations upon any inmate when such operation is necessary for the improvement of the
28 physical condition of the inmate. The decision to perform an operation shall be made by the
29 chief medical officer of the institution, with the approval of the superintendent of the
30 institution, and with the advice of the medical staff of the institution. No operation shall be
31 performed without the consent of the inmate; or, if the inmate is a minor, without the consent of
32 a responsible member of the inmate's family, a guardian, or one having legal custody of the
33 minor; or, if the inmate be non compos mentis, then the consent of a responsible member of the
34 inmate's family or of a guardian shall be obtained. Any surgical operations on inmates of State
35 penal institutions shall also be subject to the provisions of Article 1A of Chapter 90 of the
36 General Statutes, G.S. 90-21.13, and G.S. 90-21.16.

37 If the operation on the inmate is determined by the chief medical officer to be an emergency
38 situation in which immediate action is necessary to preserve the life or health of the inmate, and
39 the inmate, if sui juris, is unconscious or otherwise incapacitated so as to be incapable of giving
40 consent or in the case of a minor or inmate non compos mentis, the consent of a responsible
41 member of the inmate's family, guardian, or one having legal custody of the inmate cannot be
42 obtained within the time necessitated by the nature of the emergency situation, then the
43 decision to proceed with the operation shall be made by the chief medical officer and the
44 superintendent of the institution with the advice of the medical staff of the institution.

45 In all cases falling under this section, the chief medical officer of the institution and the
46 medical staff of the institution shall keep a careful and complete record of the measures taken
47 to obtain the permission for the operation and a complete medical record signed by the medical
48 superintendent or director, the surgeon performing the operation and all surgical consultants of
49 the operation performed. (1919, c. 281, ss. 1, 2; C.S., ss. 7221, 7222; 1947, c. 537, s. 24; 1951,
50 c. 775; 1957, c. 1357, s. 1; 1981, c. 307, ss. 2, 3; 2003-13, s. 8; 2004-203, s. 53(a).)

1 **§ 148-23. Prison employees not to use intoxicants, narcotic drugs or profanity.**

2 No one addicted to the use of alcoholic beverages, or narcotic drugs, shall be employed as
3 superintendent, warden, guard, or in any other position connected with the State Division of
4 Adult Correction of the Department of Public Safety, where such position requires the
5 incumbent to have any charge or direction of the prisoners; and anyone holding such position,
6 or anyone who may be employed in any other capacity in the State prison system, who shall
7 come under the influence of alcoholic beverages during hours of employment, or reports for
8 duty under the effect of intoxicants, or narcotic drugs, or who shall become intoxicated, or uses
9 narcotic drugs, under circumstances that bring discredit on the State Division of Adult
10 Correction of the Department of Public Safety, shall be subject to immediate dismissal from
11 employment by any of the institutions and shall not be eligible for reinstatement to such
12 position or be employed in any other position in any of the institutions. Any superintendent,
13 warden, guard, supervisor, or other person holding any position in the State Division of Adult
14 Correction of the Department of Public Safety who curses a prisoner under his charge shall be
15 subject to immediate dismissal from employment and shall not be eligible for reinstatement.
16 (1917, c. 286, s. 16; 1919, c. 80, s. 8; C.S., s. 7733; 1925, c. 163; 1933, c. 172, s. 18; 1957, c.
17 349, s. 10; 1967, c. 996, s. 13; 1969, c. 382; 1981, c. 412, s. 4(4); c. 747, s. 66; 2011-145, s.
18 19.1(h).)

19
20 **§ 148-23.1. Tobacco products prohibited on State correctional facilities premises.**

21 (a) The General Assembly finds that in order to protect the health, welfare, and comfort
22 of inmates in the custody of the Division of Adult Correction of the Department of Public
23 Safety and to reduce the costs of inmate health care, it is necessary to prohibit inmates from
24 using tobacco products on the premises of State correctional facilities and to ensure that
25 employees and visitors do not use tobacco products on the premises of those facilities.

26 (b) No person may use tobacco products on the premises of a State correctional facility,
27 except for authorized religious purposes. Notwithstanding any other provision of law, inmates
28 in the custody of the Division of Adult Correction of the Department of Public Safety and
29 persons facilitating religious observances may use and possess tobacco products for religious
30 purposes consistent with the policies of the Division.

31 (b1) Except as provided in subsection (b) of this section, no person may possess tobacco
32 products on the premises of a State correctional facility. Notwithstanding the provisions of this
33 subsection, an employee or visitor may possess tobacco products within the confines of a motor
34 vehicle located in a designated parking area of a correctional facility's premises if the tobacco
35 product remains in the vehicle and the vehicle is locked when the employee or visitor has
36 exited the vehicle.

37 (c) The Division of Adult Correction of the Department of Public Safety may adopt
38 rules to implement the provisions of this section. Inmates in violation of this section are subject
39 to disciplinary measures to be determined by the Division, including the potential loss of
40 sentence credits earned prior to that violation. Employees in violation of this section are subject
41 to disciplinary action by the Division. Visitors in violation of this section are subject to removal
42 from the facility and loss of visitation privileges.

43 (d) As used in this section, the following terms mean:

44 (1) State correctional facility. – All buildings and grounds of a State correctional
45 institution operated by the Division of Adult Correction of the Department
46 of Public Safety.

47 (2) Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar goods
48 made with any part of the tobacco plant that are prepared or used for
49 smoking, chewing, dipping, or other personal use. (2005-372, s. 2;
50 2009-560, s. 1; 2011-145, s. 19.1(h).)

1 **§ 148-23.2. Mobile phones prohibited on State correctional facilities premises.**

2 Except as authorized by Division of Adult Correction of the Department of Public Safety
3 policy, no person shall possess a mobile telephone or other wireless communications device on
4 the premises of a State correctional facility. Notwithstanding the provisions of this section, an
5 employee or visitor may possess a mobile telephone or other wireless communications device
6 within the confines of a motor vehicle located in a designated parking area of a correctional
7 facility's premises if the mobile telephone or other wireless communications device remains in
8 the vehicle and the vehicle is locked when the employee or visitor has exited the vehicle.
9 (2009-560, s. 2; 2011-145, s. 19.1(h).)

10
11 **§ 148-24. Religious services.**

12 The general policies, rules and regulations of the Division of Adult Correction of the
13 Department of Public Safety shall provide for religious services to be held in all units of the
14 State prison system on Sunday and at such other times as may be deemed appropriate.
15 Attendance of prisoners at religious services shall be voluntary. The Secretary of Public Safety
16 shall if possible secure the visits of some minister at the prison hospitals to administer to the
17 spiritual wants of the sick. (1873-4, c. 158, s. 18; 1883, c. 349; Code, s. 3446; Rev., s. 5405;
18 1915, c. 125, ss. 1, 2; 1917, c. 286, s. 15; C.S., s. 7735; 1925, c. 163; c. 275, s. 6; 1933, c. 172,
19 s. 18; 1955, c. 238, s. 9; 1967, c. 996, s. 6; 1973, c. 1262, s. 10; 2011-145, s. 19.1(h), (i).)

20
21 **§ 148-25. Secretary to investigate death of convicts.**

22 The Secretary of Public Safety, upon information of the death of a convict other than by
23 natural causes, shall investigate the cause thereof and report the result of such investigation to
24 the Governor, and for this purpose the Secretary may administer oaths and send for persons and
25 papers. (1885, c. 379, s. 2; Rev., s. 5409; C.S., s. 7746; 1925, c. 163; 1933, c. 172, s. 18; 1955,
26 c. 238, s. 9; 1967, c. 996, s. 15; 1973, c. 1262, s. 10; 2011-145, s. 19.1(i).)