

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35135-ND-50

Short Title: Support the Dept. of Adult Correction.-AB (Public)

Sponsors: Senators Daniel, Britt, and B. Newton (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO SUPPORT THE WORK OF THE DEPARTMENT OF ADULT CORRECTION.
The General Assembly of North Carolina enacts:

PART I. COMMUNITY SUPERVISION

WAIVE TUITION FOR SURVIVORS OF FALLEN PROBATION OFFICERS

SECTION 1.1.(a) G.S. 115B-1 reads as rewritten:

"§ 115B-1. Definitions.

The following definitions apply in this Chapter:

...

(4) Permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. – A person: (i) who as a law enforcement officer, correctional officer, probation officer, firefighter, volunteer firefighter, or rescue squad worker suffered a disabling injury while in active service or training for active service, (ii) who at the time of active service or training was a North Carolina resident, and (iii) who has been determined to be permanently and totally disabled for compensation purposes by the North Carolina Industrial Commission.

(4c) Probation officer. – An employee of an employer who is certified as a probation officer under the provisions of Article 1 of Chapter 17C of the General Statutes.

...

(6) Survivor. – Any person whose parent, legal guardian, legal custodian, or spouse: (i) was a law enforcement officer, a correctional officer, a probation officer, a firefighter, a volunteer firefighter, or a rescue squad worker, (ii) was killed while in active service or training for active service or died as a result of a service-connected disability, and (iii) at the time of active service or training was a North Carolina resident. The term does not include the widow or widower of a law enforcement officer, correctional officer, probation officer, firefighter, volunteer firefighter, or a rescue squad worker if the widow or widower has remarried.

...."

SECTION 1.1.(b) G.S. 115B-2(a) reads as rewritten:



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"(a) The constituent institutions of The University of North Carolina and the community colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition:

...

(2) Any person who is the survivor of a law enforcement officer, correctional officer, probation officer, firefighter, volunteer firefighter, or rescue squad worker killed as a direct result of a traumatic injury sustained in the line of duty.

(3) The spouse of a law enforcement officer, correctional officer, probation officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.

(4) Any child, if the child is at least 17 years old but not yet 24 years old, whose parent, legal guardian, or legal custodian is a law enforcement officer, correctional officer, probation officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. However, a child's eligibility for a waiver of tuition under this Chapter shall not exceed: (i) 54 months, if the child is seeking a baccalaureate degree, or (ii) if the child is not seeking a baccalaureate degree, the number of months required to complete the educational program to which the child is applying.

...."

SECTION 1.1.(c) G.S. 115B-5(b) reads as rewritten:

"(b) The officials of the institutions charged with administration of this Chapter shall require the following proof to insure that a person applying to the institution and who requests a tuition waiver under G.S. 115B-2(a)(2), (3), or (4) is eligible for the benefits provided by this Chapter.

...

(3) The cause of death of the law enforcement officer, correctional officer, probation officer, firefighter, volunteer firefighter, or rescue squad worker shall be verified by certification from the records of the Department of State Treasurer, the appropriate city or county law enforcement agency that employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under the Department of State Auditor, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities.

...."

SECTION 1.1.(d) This section is effective when it becomes law and applies to waivers of tuition granted on or after that date.

MODIFY TECHNICAL REQUIREMENTS FOR ELECTRONIC MONITORING/SATELLITE-BASED MONITORING

SECTION 1.2.(a) G.S. 15A-101.1 reads as rewritten:

"§ 15A-101.1. Electronic technology in criminal process and procedure.

As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General Statutes, and in all other provisions of the General Statutes that deal with criminal process or procedure:

(1) ~~"Attach" or "attached" means, when Attach or attached. – When~~ referring to documents existing in paper form, physical attachment by staples, clips, or other mechanical means, or managed such that neither document is stored or delivered without the other. When referring to documents stored in electronic

form, the term means either storage as a single digital file or storage in a manner that a user interface for access to the documents displays clearly the logical association between them, to the exclusion of other, unassociated documents displayed with them. When referring to documents delivered in electronic form, the term means documents delivered simultaneously and via the same mechanism or medium, including, but not limited to, any of the following: (i) delivery via a single email message, (ii) delivery on a single unit of removable electronic media, or (iii) delivery in immediate, contemporaneous sequence with one another from the same source to the same recipient. It is not necessary that the relationship between documents appear on the face of the documents in order to be deemed attached.

(1a) ~~"Copy" means all Copy.~~ – All identical versions of a document created or existing in paper or electronic form, including the original and all other identical versions of the document. Except where otherwise expressly provided by law or when authority is vested only in a certified copy, a copy of a document is equally authoritative as the original.

(2) ~~"Document" means any Document.~~ – Any pleading, criminal process, subpoena, complaint, motion, application, notice, affidavit, commission, waiver, consent, dismissal, order, judgment, or other writing intended in a criminal or contempt proceeding to authorize or require an action, to record a decision or to communicate or record information. A document may be created and exist in paper form or in electronic form or in both forms. Each document shall contain the legible, printed name of the person who signed the document.

(3) ~~"Electronic" means relating Electronic.~~ – Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, Internet, or similar capabilities.

(3a) ~~"Electronic monitoring" or "electronically monitor" or "satellite-based monitoring" means monitoring Electronic monitoring or electronically monitor or satellite-based monitoring.~~ – Monitoring with an electronic monitoring device that is not removed from a person's body, that is utilized by the supervising agency in conjunction with a Web-based computer system that actively monitors, identifies, tracks, and records a person's location at least once every minute 24 hours a day, ~~that has a battery life of at least 48 hours without being recharged,~~ that timely records and reports or records the person's presence near or within a crime scene or prohibited area or the person's departure from a specified geographic location, and that has incorporated into the software the ability to automatically compare crime scene data with locations of all persons being electronically monitored so as to provide any correlation daily or in real time. In areas of the State where lack of cellular coverage requires the use of an alternative device, the supervising agency shall use an alternative device that works in concert with the software and records location and tracking data for later download and crime scene comparison.

(4) ~~"Electronic Repository" means an Electronic repository.~~ – An automated electronic repository for criminal process created and maintained pursuant to G.S. 15A-301.1.

...

(6) ~~"Entered" means signed Entered.~~ – Signed and filed in the office of the clerk of superior court of the county in which the document is to be entered. A document may be entered in either paper form or electronic form.

(7) ~~"Filing" or "filed" means:~~Filing or filed. –

...

(8) ~~"Issued" applies~~Issued. – Applies to documents in either paper form or electronic form. A document that is first created in paper form is issued when it is signed. A document that is first created in electronic form is issued when it is signed and filed in the office of the clerk of superior court of the county for which it is to be issued.

(9) ~~"Original" means:~~Original. –

...

(10) ~~"Signature" means any~~Signature. – Any symbol, including, but not limited to, the name of an individual, which is executed by that individual, personally or through an authorized agent, with the intent to authenticate or to effect the issuance or entry of a document. A document may be signed by the use of any manual, mechanical or electronic means that causes the individual's signature to appear in or on the document. Any party challenging the validity of a signature shall have the burden of pleading, producing evidence, and proving that the signature was not the act of the person whose signature it appears to be."

SECTION 1.2.(b) This section is effective when it becomes law and applies to an electronic monitoring device used on or after that date.

EXTENSION OF MAXIMUM ALLOWABLE PERIOD OF PROBATION

SECTION 1.3.(a) G.S. 15A-1342(a) reads as rewritten:

"(a) Period. – The court may place a convicted offender on probation for the appropriate period as specified in G.S. 15A-1343.2(d), not to exceed a maximum of five ~~years.~~ years, unless an extension is authorized pursuant to G.S. 15A-1344 thereby extending the maximum by one additional year. The court may place a defendant as to whom prosecution has been deferred or who receives a conditional discharge on probation for a maximum of two years. The probation remains conditional and subject to revocation during the period of probation imposed, unless terminated as provided in subsection (b) or G.S. 15A-1341(c).

~~Extension.— In addition to G.S. 15A-1344, the court with the consent of the defendant may extend the period of probation beyond the original period (i) for the purpose of allowing the defendant to complete a program of restitution, or (ii) to allow the defendant to continue medical or psychiatric treatment ordered as a condition of the probation. The period of extension shall not exceed three years beyond the original period of probation. The special extension authorized herein may be ordered only in the last six months of the original period of probation. Any probationary judgment form provided to a defendant on supervised probation shall state that probation may be extended pursuant to this subsection."~~

SECTION 1.3.(b) G.S. 15A-1343.2(d) reads as rewritten:

"(d) Lengths of Probation Terms Under Structured Sentencing. – Unless the court makes specific findings that longer or shorter periods of probation are necessary, the length of the original period of probation for offenders sentenced under Article 81B shall be as follows:

...

If the court finds at the time of sentencing that a longer period of probation is necessary, that period may not exceed a maximum of five years, as specified in G.S. 15A-1342 and ~~G.S. 15A-1351.~~ G.S. 15A-1351, unless an extension is authorized pursuant to G.S. 15A-1344 thereby extending the maximum by one additional year.

~~Extension.— The court may with the consent of the offender extend the original period of the probation if necessary to complete a program of restitution or to complete medical or psychiatric treatment ordered as a condition of probation. This extension may be for no more than three years, and may only be ordered in the last six months of the original period of probation."~~

SECTION 1.3.(c) G.S. 15A-1344(d) reads as rewritten:

"(d) Extension and Modification; Response to Violations. – At any time prior to the expiration or termination of the probation period or in accordance with subsection (f) of this section, the court may after notice and ~~hearing~~ hearing, unless the probationer waives the hearing, and for good cause shown extend the period of probation up to the maximum allowed under G.S. 15A-1342(a) and may modify the conditions of ~~probation~~ probation, however, no more than one extension of any probation period may be ordered except that the court may extend the total time on probation by up to one additional year if the probationer admits the probationer has violated their conditions of probation or is found by the court to have violated the conditions of their probation. Total time on any probation term, including any extension, shall not exceed the maximum term as established in G.S. 15A-1342(a) plus one additional year if the probationer admits or the court finds that the probationer has violated their conditions of probation. A hearing extending or modifying probation may be held in the absence of a defendant who fails to appear for the hearing after a reasonable effort to notify the defendant. If a probationer violates a condition of probation at any time prior to the expiration or termination of the period of probation, the court, in accordance with the provisions of G.S. 15A-1345, may continue the defendant on probation, with or without modifying the conditions, may place the defendant on special probation as provided in subsection (e), or, if continuation, modification, or special probation is not appropriate, may revoke the probation and activate the suspended sentence imposed at the time of initial sentencing, if any, or may order that charges as to which prosecution has been deferred be brought to trial; provided that probation may not be revoked solely for conviction of a Class 3 misdemeanor. The court, before activating a sentence to imprisonment established when the defendant was placed on probation, may reduce the sentence, but the reduction shall be consistent with subsection (d1) of this section. A sentence activated upon revocation of probation commences on the day probation is revoked and runs concurrently with any other period of probation, parole, or imprisonment to which the defendant is subject during that period unless the revoking judge specifies that it is to run consecutively with the other period."

SECTION 1.3.(d) This section becomes effective December 1, 2025, and applies to new terms of probation ordered on or after that date.

PART II. INSTITUTIONS**SEXUALLY VIOLENT PREDATOR DETERMINATIONS****SECTION 2.1.(a)** G.S. 14-208.20(b) reads as rewritten:

"(b) Prior to sentencing a person as a sexually violent predator, the court shall order a presentence investigation in accordance with G.S. 15A-1332(c). However, the study of the defendant and whether the defendant is a sexually violent predator shall be conducted by a board of experts selected by the Division of Prisons of the Department of Adult Correction. The board of experts shall be composed of at least four people. Two of the board members shall be experts in the field of the behavior and treatment of sexual offenders, one of whom shall be selected from a panel of experts in those fields provided by the North Carolina Medical Society and not be employed full time with the Division of Prisons of the Department of Adult Correction or employed on a full-time basis with any other State agency. One of the board members shall be a victims' rights advocate, and one of the board members shall be a representative of law enforcement agencies."

SECTION 2.1.(b) This section becomes effective December 1, 2025, and applies to boards of experts selected on or after that date.

EXTEND SUNSET DATE FOR USE OF SECURITY GUARDS AT STATE PRISONS

SECTION 2.2.(a) Section 4.15(c) of S.L. 2020-3, as amended by Section 2 of S.L. 2020-15, Section 19D.2 of S.L. 2021-180, Section 12 of S.L. 2022-58, Section 19D.1 of S.L. 2022-74, and Section 9(a) of S.L. 2023-121, reads as rewritten:

"**SECTION 4.15.(c)** This section is effective when it becomes law and expires on June 30, 2025-2027."

SECTION 2.2.(b) This section is effective when it becomes law.

PART III. SUPPORT SERVICES

USE OF AVAILABLE FUNDS FOR REPAIR AND RENOVATION PURPOSES

SECTION 3.1.(a) G.S. 143C-8-13 is amended by adding a new subsection to read:

"(e) Notwithstanding any provision of G.S. 143C-8-7 to the contrary, the Secretary of the Department of Adult Correction may pay for projects for repairs and renovations with funds available to the agency according to the following requirements:

(1) The project meets all of the following requirements:

- a. The total project costs do not exceed one million dollars (\$1,000,000).
- b. The project is one of the types set forth in subdivisions (1) through (13) of subsection (a) of this section, regardless of whether the relevant facilities and related infrastructure are supported from the General Fund or the State Capital and Infrastructure Fund.

(2) The Department reports on projects undertaken pursuant to this subsection to the Fiscal Research Division on a quarterly basis. The report shall include all of the following information for each project:

- a. The facility at which the project is being undertaken.
- b. The nature and scope of the project.
- c. The source of funds for the project.
- d. The category of projects set forth in subsection (a) of this section that the project falls within.

(3) Any funds from a General Fund appropriation that are contractually obligated for a project pursuant to this subsection shall not revert at the end of the fiscal year but shall remain available to fund the completion of the project."

SECTION 3.1.(b) This section is effective when it becomes law and applies to payments for projects for repairs and renovations occurring on or after that date.

REMAINING BALANCES FROM OLD INDEBTEDNESS PROJECTS

SECTION 3.2.(a) Notwithstanding S.L. 2006-66 and S.L. 2015-241, the Department of Adult Correction may use up to one million six hundred twelve thousand four hundred eighty-one dollars and fourteen cents (\$1,612,481.14) from the projects described in Section 23.12(g) of S.L. 2006-66 and Section 31.22 of S.L. 2015-241 to finance capital facility costs of HVAC projects at State facilities. No additional special indebtedness may be issued or incurred to finance these projects. The use of funds authorized by this section shall not require further approval by the Council of State pursuant to Chapter 142 of the General Statutes.

SECTION 3.2.(b) This section is effective when it becomes law.

PART IV. COMPREHENSIVE HEALTH SERVICES

TEMPORARY EMPLOYEE 31-DAY SEPARATION EXCEPTION

SECTION 4.1.(a) G.S. 126-6.3 reads as rewritten:

"§ 126-6.3. **Temporary employment needs of Cabinet and Council of State agencies; use of the Temporary Solutions Program.**

(a) Use of Temporary Solutions Required for Cabinet Agencies. – Notwithstanding G.S. 126-5 or any other provision of law, all Cabinet agencies that utilize temporary employees to perform work that is not health services-related in the Department of Adult Correction and the Department of Health and Human Services or information technology-related shall employ them through the Temporary Solutions Program administered by the Office of State Human Resources (OSHR). Council of State agencies may use the Temporary Solutions Program in the discretion of the agency.

...

(b1) Exemption. – Notwithstanding this section and the policies and rules adopted pursuant to it, health services-related temporary employees working in the Department of Adult Correction and the Department of Health and Human Services shall be exempt from any break-in-service requirement. This exemption is only for purposes of Article 1 of Chapter 126 of the General Statutes. This subsection does not apply to the mandatory break-in-service requirement for purposes of Chapter 135 of the General Statutes.

...."

SECTION 4.1.(b) This section is effective when it becomes law and applies to temporary employees hired on or after that date.

PART V. OFFICE OF STAFF DEVELOPMENT AND TRAINING (OSDT)

VESTED PROBATION AND PAROLE OFFICERS MAINTAIN ELIGIBILITY FOR SUPPLEMENTAL RETIREMENT WHEN SERVING IN NONCERTIFIED ROLES

SECTION 5.1.(a) G.S. 135-1 reads as rewritten:

"§ 135-1. Definitions.

The following words and phrases as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) ~~"Accumulated contributions" shall mean the~~ Accumulated contributions. – The sum of all the amounts deducted from the compensation of a member and accredited to his individual account in the annuity savings fund, together with regular interest thereon as provided in G.S. 135-8.
- (2) ~~"Actuarial equivalent" shall mean a~~ Actuarial equivalent. – A benefit of equal value when computed upon the basis of actuarial assumptions as shall be adopted by the Board of Trustees.
- (3) ~~"Annuity" shall mean payments~~ Annuity. – Payments for life derived from that "accumulated contribution" of a member. All annuities shall be payable in equal monthly installments.
- (4) ~~"Annuity reserve" shall mean the~~ Annuity reserve. – The present value of all payments to be made on account of any annuity or benefit in lieu of any annuity, computed upon the basis of such mortality tables as shall be adopted by the Board of Trustees, and regular interest.
- (4a) ~~"Authorized~~ Authorized representatives who are assisting the Retirement Systems Division staff" ~~means only staff.~~ – Only other staff of the Department of State Treasurer, staff of the Department of Justice, or persons providing internal auditing assistance required under G.S. 143-746(b).
- ...
- (5) ~~"Average~~ Average final compensation" shall mean the compensation. – The average annual compensation of a member during the four consecutive calendar years of membership service producing the highest such average; but shall not include any compensation, as determined by the Board of Trustees, for the reimbursement of expenses or payments for housing or any other allowances whether or not classified as salary and wages. Payout of vacation

- leave shall be included in "average final compensation" only if the payout is received by the member during the four consecutive calendar years of membership service producing the highest average annual compensation of the member. In the event a member is or has been in receipt of a benefit under the provisions of G.S. 135-105 or G.S. 135-106, the compensation used in the calculation of "average final compensation" shall be the higher of compensation of the member under the provisions of this Article or compensation used in calculating the payment of benefits under Article 6 of this Chapter as adjusted for percentage increases in the post disability benefit.
- (6) ~~"Beneficiary" shall mean any Beneficiary.~~ – Any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this Chapter.
- (7) ~~"Board of Trustees" shall mean the Board of Trustees.~~ – The Board provided for in G.S. 135-6 to administer the Retirement System.
- (7a) a. ~~"Compensation" shall mean all Compensation.~~ – All salaries and wages prior to any reduction pursuant to sections 125, 401(k), 403(b), 414(h)(2), and 457 of the Internal Revenue Code, not including any terminal payments for unused sick leave, derived from public funds which are earned by a member of the Retirement System for service as an employee or teacher in the unit of the Retirement System for which he is performing full-time work. In addition to the foregoing, "compensation" shall include:
- ...
- (7b) ~~"Compliance investigation" means an Compliance investigation.~~ – An independent review or examination by Retirement Systems Division staff or authorized representatives who are assisting the Retirement Systems Division staff of records, activities, actions, or decisions by employers or other affiliated or associated entities having an impact on a Retirement System or benefits administered by the Board of Trustees. The purpose of a compliance investigation is to help detect errors and ensure compliance and full accountability in the use of pension funds.
- (7c) ~~"Conduct Conduct directly related to the office or employment" shall mean conduct employment.~~ – Conduct by the member resulting in a felony conviction that:
- ...
- (7d) ~~"Consumer Consumer Price Index" shall mean the Index.~~ – The Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, all items, not seasonally adjusted, standard reference base, as published by the Bureau of Labor Statistics of the U.S. Department of Labor.
- (8) ~~"Creditable service" shall mean the Creditable service.~~ – The total of "prior service" plus "membership service" plus service, both noncontributory and purchased, for which credit is allowable as provided under this Article. In no event, however, shall "creditable service" be deemed "membership service" for the purpose of determining eligibility for benefits accruing under this Article.
- (8a) ~~"Duly acknowledged" means notarized,~~ Duly acknowledged. – Notarized, including electronic notarization, or verified through an identity authentication service approved by the Department of State Treasurer.
- (9) ~~"Earnable compensation" shall mean the Earnable compensation.~~ – The full rate of the compensation that would be payable to a teacher or employee if he worked in full normal working time. In cases where compensation includes

1 maintenance, the Board of Trustees shall fix the value of that part of the
2 compensation not paid in money.

3 (10) ~~"Employee" shall mean all Employee.~~ – All full-time employees, agents or
4 officers of the State of North Carolina or any of its departments, bureaus and
5 institutions other than educational, whether such employees are elected,
6 appointed or employed: Provided that the term "employee" shall not include
7 employees of the University of North Carolina Health Care System who are
8 not eligible for participation under G.S. 135-5.6, employees of the East
9 Carolina University School of Medicine or Dental School of Medicine who
10 are not eligible for participation under G.S. 135-5.7, any person who is a
11 member of the Consolidated Judicial Retirement System, any member of the
12 General Assembly or any part-time or temporary employee. Notwithstanding
13 any other provision of law, "employee" shall include all employees of the
14 General Assembly except participants in the Legislative Intern Program,
15 pages, and beneficiaries in receipt of a monthly retirement allowance under
16 this Chapter who are reemployed on a temporary basis. "Employee" also
17 includes any participant whose employment is interrupted by reason of service
18 in the Uniformed Services, as that term is defined in section 4303(16) of the
19 Uniformed Services Employment and Reemployment Rights Act, Public Law
20 103-353, if that participant was an employee at the time of the interruption; if
21 the participant does not return immediately after that service to employment
22 with a covered employer in this System, then the participant shall be deemed
23 "in service" until the date on which the participant was first eligible to be
24 separated or released from his or her involuntary military service. In all cases
25 of doubt, the Board of Trustees shall determine whether any person is an
26 employee as defined in this Chapter. "Employee" shall also mean every
27 full-time civilian employee of the North Carolina National Guard who is
28 employed pursuant to section 709 of Title 32 of the United States Code and
29 paid from federal appropriated funds, but held by the federal authorities not to
30 be a federal employee: Provided, however, that the authority or agency paying
31 the salaries of such employees shall deduct or cause to be deducted from each
32 employee's salary the employee's contribution in accordance with applicable
33 provisions of G.S. 135-8 and remit the same, either directly or indirectly, to
34 the Retirement System; coverage of employees described in this sentence shall
35 commence upon the first day of the calendar year or fiscal year, whichever is
36 earlier, next following the date of execution of an agreement between the
37 Secretary of Defense of the United States and the Adjutant General of the State
38 acting for the Governor in behalf of the State, but no credit shall be allowed
39 pursuant to this sentence for any service previously rendered in the
40 above-described capacity as a civilian employee of the North Carolina
41 National Guard: Provided, further, that the Adjutant General, in the Adjutant
42 General's discretion, may terminate the Retirement System coverage of the
43 above-described North Carolina National Guard employees if a federal
44 retirement system is established for such employees and the Adjutant General
45 elects to secure coverage of such employees under such federal retirement
46 system. Any full-time civilian employee of the North Carolina National Guard
47 described above who is now or hereafter may become a member of the
48 Retirement System may secure Retirement System credit for such service as
49 a North Carolina National Guard civilian employee for the period preceding
50 the time when such employees became eligible for Retirement System
51 coverage by paying to the Retirement System an amount equal to that which

- would have constituted employee contributions if the employee had been a member during the years of ineligibility, plus interest. Employees of State agencies, departments, institutions, boards, and commissions who are employed in permanent job positions on a recurring basis must work at least 30 hours per week for nine or more months per calendar year in order to be covered by the provisions of this subdivision. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "employee" solely because the person holds a temporary or time-limited visa.
- (11) ~~"Employer" shall mean the Employer.~~ – The State of North Carolina, the county board of education, the city board of education, the State Board of Education, the board of trustees of the University of North Carolina, the University of North Carolina Health Care System, the board of trustees of other institutions and agencies supported and under the control of the State, or any other agency of and within the State by which a teacher or other employee is paid. For purposes of reporting under the pronouncements by the Governmental Accounting Standards Board, the Retirement System is a multi-employer plan.
- (11a) ~~"Filing" when Filing.~~ – When used in reference to an application for retirement shall mean the receipt of an acceptable application on a form provided by the Retirement System.
- (11b) ~~"Fraud investigation" means an Fraud investigation.~~ – An independent review or examination by Retirement Systems Division staff or authorized representatives who are assisting the Retirement Systems Division staff of records, activities, actions, or decisions by employers or other affiliated or associated entities having an impact on the Retirement System. The purpose of a fraud investigation is to help detect and prevent fraud and to ensure full accountability in the use of pension funds.
- (11c) ~~"Law Enforcement Officer" means a Law Enforcement Officer.~~ – A full-time paid employee of an employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State of North Carolina or serving civil processes, and who possesses the power of arrest by virtue of an oath administered under the authority of the State. "Law-Enforcement Officer" also means a probation/parole officer as defined in this section with respect to any service rendered on or after July 1, 2017.
- (12) ~~"Medical board" shall mean the Medical board.~~ – The board of physicians provided for in G.S. 135-6.
- (13) ~~"Member" shall mean any Member.~~ – Any teacher or State employee included in the membership of the System as provided in G.S. 135-3 and 135-4.
- (14) ~~"Membership service" shall mean service Membership service.~~ – Service as a teacher or State employee rendered while a member of the Retirement System or membership service in a North Carolina Retirement System that has been transferred into this system.
- (15) ~~"Pension reserve" shall mean the Pension reserve.~~ – The present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the Board of Trustees, and regular interest.
- (16) ~~"Pensions" shall mean payments Pensions.~~ – Payments for life derived from money provided by the State of North Carolina, and by county or city boards of education. All pensions shall be payable in equal monthly installments.

- (17) ~~"Prior service" shall mean service~~ Prior service. – Service rendered prior to the date of establishment of the Retirement System for which credit is allowable under G.S. 135-4; provided, persons now employed by the Board of Transportation shall be entitled to credit for employment in road maintenance by the various counties and road districts prior to 1931.
- (17a) ~~"Probation/Parole Officer" shall mean a Probation/Parole Officer. – A~~ full-time paid employee of the Division of Community Supervision and Reentry of the Department of Adult Correction whose duties include supervising, evaluating, or otherwise instructing offenders who have been placed on probation, parole, or post-release supervision or have been assigned to any other community-based program operated by the Division of Community Supervision and ~~Reentry~~. Reentry, or a full-time paid employee of the Department of Adult Correction's Office of Staff Development and Training who is certified as a Probation/Parole Officer and works exclusively in a training role.
- (18) ~~"Public school" shall mean any Public school. – Any~~ day school conducted within the State under the authority and supervision of a duly elected or appointed city or county school board, and any educational institution supported by and under the control of the State.
- (19) ~~"Regular interest" shall mean interest~~ Regular interest. – Interest compounded annually at such a rate as shall be determined by the Board of Trustees in accordance with G.S. 135-7, subsection (b).
- (20) ~~"Retirement" under Retirement. – Under~~ this Chapter, except as otherwise provided, means the commencement of monthly retirement benefits along with termination of employment and the complete separation from active service with no intent or agreement, express or implied, to return to service. A retirement allowance under the provisions of this Chapter may only be granted upon retirement of a member. In order for a member's retirement to become effective in any month, the member must perform no work for an employer, including part-time, temporary, substitute, or contractor work, at any time during the six months immediately following the effective date of retirement. A member who is a full-time faculty member of The University of North Carolina may effect a retirement allowance under this Chapter, notwithstanding the six-month requirement above, provided the member immediately enters the University's Phased Retirement Program for Tenured Faculty as that program existed on May 25, 2011. For purposes of this subdivision, all of the following shall not be considered service or work:
- ...
- (21) ~~"Retirement allowance" shall mean the Retirement allowance. – The~~ sum of the "annuity and the pensions," or any optional benefit payable in lieu thereof.
- (22) ~~"Retirement System" shall mean the Retirement System. – The~~ Teachers' and State Employees' Retirement System of North Carolina as defined in G.S. 135-2.
- (23) ~~"Service" shall mean service~~ Service. – Service as a teacher or State employee as described in subdivision (10) or (25) of this section.
- (24) ~~"Social security breakpoint" shall mean the Social security breakpoint. – The~~ maximum amount of taxable wages under the Federal Insurance Contributions Act as from time to time in effect.
- (25) ~~"Teacher" shall mean (i) any Teacher. – Any (i)~~ teacher, helping teacher, teacher in a job-sharing position under G.S. 115C-326.5 except for a beneficiary in that position, librarian, superintendent principal, supervisor,

superintendent of public schools or any full-time employee, city or county, of public instruction, or any full-time employee of the Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the ~~State~~; State, who (ii) ~~who~~ works at least 30 or more hours per week for at least nine or more months per calendar year. The term "teacher" shall not include any employee or teacher in a part-time, temporary, or substitute position, except for a teacher in a job-sharing position. The term "teacher" does not include those participating in an optional retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of Trustees shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools, whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position, and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q).

(26) ~~"Year" as Year.~~ – As used in this Article shall mean the regular fiscal year beginning July 1 and ending June 30 in the following calendar year unless otherwise defined by regulation of the Board of Trustees."

SECTION 5.1.(b) This section is effective when it becomes law and applies to determinations under Article 1 of Chapter 135 of the General Statutes made on or after that date.

PART VI. TECHNICAL CORRECTIONS

POST-RELEASE SUPERVISION ELIGIBILITY AND PROCEDURE

SECTION 6.1.(a) G.S. 15A-1368.2(c1) reads as rewritten:

"(c1) Notwithstanding subsection (c) of this section, a person required to submit to satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to participate in satellite-based monitoring beyond the period of post-release supervision until the ~~Commission~~ superior court in the county where the conviction occurred releases the person from that requirement pursuant to G.S. 14-208.43."

SECTION 6.1.(b) This section is effective when it becomes law and applies to satellite-based monitoring releases ordered on or after that date.

EXCLUDE DEPARTMENT OF ADULT CORRECTION INVESTIGATIONS FROM CERTAIN INFORMATION TECHNOLOGY RESTRICTIONS

SECTION 6.2.(a) G.S. 143-805(d) reads as rewritten:

"(d) Subsections (a) and (b) of this section shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

...

(8) Investigating matters involving offenders incarcerated with, or otherwise under the supervision of, the Department of Adult Correction or matters related to the misuse of devices owned by the Department of Adult Correction."

1 **SECTION 6.2.(b)** This section is effective when it becomes law and applies to
2 investigations occurring before, on, or after that date.

3
4 **PART VII. SEVERABILITY AND EFFECTIVE DATE**

5
6 **SEVERABILITY CLAUSE**

7 **SECTION 7.1.** If any part, section, or provision of this act is declared
8 unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or
9 any part other than the part declared to be unconstitutional or invalid.

10
11 **EFFECTIVE DATE**

12 **SECTION 7.2.** Except as otherwise provided, this act is effective when it becomes
13 law.