

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

S

3

SENATE BILL 355
Judiciary Committee Substitute Adopted 4/29/25
Pensions and Retirement and Aging Committee Substitute Adopted 4/30/25

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

Sponsors:

Referred to:

March 24, 2025

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:



"(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.

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 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(17a) reads as rewritten:

"(17a) "Probation/Parole Officer" shall mean 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."

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."

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

PART VII. SEVERABILITY AND EFFECTIVE DATE**SEVERABILITY CLAUSE**

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

EFFECTIVE DATE

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