

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS45239-ND-46

Short Title: Prison Reform Omnibus. (Public)

Sponsors: Senator Applewhite (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REFORM PRISON LABOR LAWS IN NORTH CAROLINA TO ENSURE FAIR
COMPENSATION, MEANINGFUL REHABILITATION, EQUITABLE WORK
OPPORTUNITIES, AND PROTECTIONS AGAINST LABOR EXPLOITATION.

Whereas, the current statutory framework governing prison labor in North Carolina
prioritizes State cost-savings over rehabilitation and workforce readiness; and

Whereas, national best practices, including New York, Maryland, and the Prison
Industry Enhancement Certification Program (PIECP), provide models for fair, rehabilitative,
and economically beneficial prison labor policies; and

Whereas, ninety-four percent (94%) of incarcerated individuals will reenter society,
and equipping them with vocational skills, fair wages, and work experience is essential for
reducing recidivism and increasing public safety; and

Whereas, the North Carolina agricultural industry is facing labor shortages, and prison
labor must not be exploited as a replacement for migrant or seasonal workers; and

Whereas, transparency, oversight, and independent auditing are critical to ensuring
prison labor programs serve the interests of rehabilitation, workforce development, and ethical
labor standards; and

Whereas, strengthening employment placement programs and offering tax incentives
to businesses hiring formerly incarcerated individuals will enhance North Carolina's economy
and reduce recidivism; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The following sections of Article 3 of Chapter 148 of the General
Statutes are repealed:

- (1) G.S. 148-26.
- (2) G.S. 148-26.1.
- (3) G.S. 148-26.5.
- (4) G.S. 148-32.2.
- (5) G.S. 148-32.3.
- (6) G.S. 148-33.

SECTION 2. Article 3 of Chapter 148 of the General Statutes, as amended by
Section 1 of this act, reads as rewritten:

"Article 3.

~~"Labor of Prisoners, Fair and Rehabilitative Prison Labor Act.~~

"§ 148-27.1. State policy on employment of incarcerated individuals.

(a) It is the policy of the State of North Carolina that all incarcerated individuals who are
medically and physically fit, as determined by a licensed healthcare professional, may be



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provided with voluntary work opportunities that are rehabilitative, workforce-oriented, and fairly compensated.

(b) Work programs under this Article shall do each of the following:

- (1) Prioritize training and skill development in industries with viable employment opportunities upon release.
- (2) Ensure that prison labor is not used to displace non-incarcerated workers, including migrant and seasonal agricultural workers.
- (3) Comply with labor standards set forth in the Prison Industry Enhancement Certification Program (PIECP), ensuring prevailing wage standards where applicable.
- (4) Offer meaningful vocational education, apprenticeship, and certification programs.
- (5) Establish gender-equitable labor policies, ensuring access to diverse work opportunities for both male and female incarcerated individuals.
- (6) Provide fair compensation, with wages at least equal to the State minimum wage for PIECP-certified programs and no less than five dollars (\$5.00) per hour for non-PIECP programs.
- (7) Ensure incarcerated individuals are provided post-release employment assistance in collaboration with the North Carolina Department of Commerce, workforce development boards, and private employers.

"§ 148-27.2. Definitions.

Unless otherwise specified or understood from the surrounding context, the following definitions apply in this Article:

- (1) Division. – The Division of Prisons of the Department of Adult Correction.
- (2) Incarcerated individual. – A person in the custody of the Department of Adult Correction or any other State or law enforcement agency, often referred to as an inmate or prisoner.
- (3) PIECP. – The Prison Industry Enhancement Certification Program.
- (4) Secretary. – The Secretary of the Department of Adult Correction.

"§ 148-27.3. Prohibition on using prison labor to replace agricultural and private-sector workers.

(a) No prison labor shall be used to replace, displace, or supplement migrant, seasonal, or documented agricultural workers who have been affected by State or federal immigration enforcement actions.

(b) Before approving any prison labor contracts in the agricultural sector, the North Carolina Department of Labor shall conduct a labor market assessment to confirm a legitimate labor shortage exists.

(c) Any incarcerated individual engaged in agricultural work shall be compensated at or above the prevailing wage for agricultural laborers in the State.

(d) Private farms are prohibited from contracting directly with any representative or entity of the Department of Adult Correction for prison labor.

(e) No later than March 1 and September 1 of each year, the Department of Adult Correction shall report to the Governor and General Assembly regarding the use of incarcerated individuals in agricultural labor, including, at a minimum, all of the following information:

- (1) Total hours worked by incarcerated individuals during the current and previous calendar year.
- (2) Total and individual wages paid to incarcerated individuals during the current and previous calendar year.
- (3) Number of non-incarcerated agricultural jobs affected by the use of prison labor pursuant to this Article during the current and previous calendar year.

"§ 148-28. Sentencing ~~prisoners~~ incarcerated individuals to Central Prison; youthful offenders.

When a sentenced offender is to be taken to the Central Prison at Raleigh, a sheriff or other appropriate officer of the county shall cause ~~such prisoner~~ the incarcerated individual to be delivered with the proper commitment papers to the warden of the Central Prison. A person under 16 years of age convicted of a felony shall not be imprisoned in the Central Prison at Raleigh ~~unless~~ unless both of the following circumstances exist:

(1) The person was convicted of a capital ~~felony~~ or felony.

(2) ~~He~~ The person has previously been imprisoned in a county jail or under the authority of the Division of Prisons of the Department of Adult Correction upon conviction of a felony.

This provision shall not limit the authority of the Secretary of the Department of Adult Correction from transferring a person under 16 years of age to Central Prison when in the Secretary's determination this person would not benefit from confinement in separate facilities for youthful offenders or when it has been determined that ~~his~~ the person's presence would be detrimental to the implementation of programs designed for the benefit of other youthful offenders. Nor shall this provision limit the authority of the judges of the superior courts of this State or the Secretary of the Department of Adult Correction from committing or transferring a person under 16 years of age to Central Prison for medical or psychiatric treatment.

"§ 148-29. Transportation of ~~convicts~~ incarcerated individuals to prison; reimbursement to counties; sheriff's expense affidavit.

(a) The sheriff having in charge any ~~prisoner~~ incarcerated individual to be taken to the State prison system shall send the ~~prisoner~~ incarcerated individual to the custody of the Division of Prisons of the Department of Adult Correction after sentencing and the disposal of all pending charges against the ~~prisoner~~ incarcerated individual, if no appeal has been taken. Beginning on the day after the Division has been notified by the sheriff that ~~a prisoner~~ an incarcerated individual is ready for transfer and the Division has informed the sheriff that bedspace is not available for that ~~prisoner~~ incarcerated individual, and continuing through the day the ~~prisoner~~ incarcerated individual is received by the Division, the Division shall pay the ~~county~~ county all of the following:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the ~~prisoner~~ incarcerated individual awaiting transfer to the State prison system; ~~and system~~.

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by ~~prisoners~~ incarcerated individuals awaiting transfer to the State prison system.

If the Division determines that bedspace is not available for ~~a prisoner~~ an incarcerated individual after the sheriff has notified the Division that the ~~prisoner~~ incarcerated individual is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the ~~prisoner~~ incarcerated individual to the custody of the Division of Prisons of the Department of Adult Correction after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the day after the Division has been notified by the sheriff that ~~a prisoner~~ an incarcerated individual is ready for transfer and the Division has informed the sheriff that bedspace is not available for that ~~prisoner~~ incarcerated individual, and continuing through the day the ~~prisoner~~ incarcerated individual is received by the Division, the Division shall pay the ~~county~~ county all of the following:

(1) A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary

ordinary medical services to the parolee or post-release supervisee awaiting transfer to the State prison system; ~~and system.~~

- (2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

If the Division determines that bedspace is not available for a ~~prisoner~~ an incarcerated individual after the sheriff has notified the Division that the ~~prisoner~~ incarcerated individual is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(c) The sheriff shall file with the board of commissioners of ~~his~~ the sheriff's county a copy of ~~his~~ the sheriff's affidavit as to necessary guard, together with a copy of ~~his~~ the sheriff's itemized account of expenses, both certified to by ~~him~~ the sheriff as true copies of those on file in ~~his~~ the sheriff's office.

"§ 148-31. Maintenance of Central Prison; warden; powers and duties.

The Central Prison shall be maintained in such a manner as to conform to all the requirements of Article XI of the State Constitution, relating to a State's prison. A suitable person shall be appointed warden of the Central Prison, and ~~he~~ that person shall succeed to and be vested with all the rights, duties, and powers heretofore vested by law in the superintendent of the State's prison or the warden thereof with respect to capital punishment, or any matter of discipline of the ~~inmates~~ incarcerated individuals of the prison not otherwise provided for in this Article.

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

...

(b) In the event that the custodian of the local confinement facility certifies in writing to the clerk of the superior court in the county in which the local confinement facility is located that the local confinement facility is filled to capacity, or that the facility cannot reasonably accommodate any more ~~prisoners~~ incarcerated individuals due to segregation requirements for particular ~~prisoners~~ incarcerated individuals or that the custodian anticipates, in light of local experiences, an influx of temporary ~~prisoners~~ incarcerated individuals at that time, or if the local confinement facility does not meet the minimum standards published pursuant to G.S. 153A-221, any judge of the district court in the district court district as defined in G.S. 7A-133 where the facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or G.S. 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the facility is located may order that a ~~prisoner~~ an incarcerated individual not housed pursuant to the Statewide Misdemeanant Confinement Program established in subsection (b2) of this section be transferred to any other qualified local confinement facility within that district or within another such district where space is available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the ~~prisoner~~ incarcerated individual is a non-violent misdemeanor, which local facility shall accept the transferred ~~prisoner~~ incarcerated individual.

If no other local confinement facility is available and the reason for the requested transfer is that the local confinement facility that would be required to house the ~~prisoner~~ incarcerated individual cannot reasonably accommodate any more ~~prisoners~~ incarcerated individuals due to segregation requirements for particular ~~prisoners~~ incarcerated individuals or the local facility does not meet the minimum standards published pursuant to G.S. 153A-221, then the judge may order that a ~~prisoner~~ an incarcerated individual not housed pursuant to the Statewide Misdemeanant Confinement Program established in subsection (b2) of this section be transferred to a facility operated by the Division of Prisons of the Department of Adult Correction as designated by the Division of Prisons. In no event, however, shall a ~~prisoner~~ an incarcerated individual whose term of imprisonment is less than 30 days be assigned or ordered transferred to a facility operated by the Division of Prisons.

...

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

The North Carolina Sheriffs' Association shall:

...

(2) Report no later than October 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement Program. The report shall include the following with respect to the prior fiscal year:

- a. The cost of housing ~~prisoners~~ incarcerated individuals by county under the Program.
- b. The cost of transporting ~~prisoners~~ incarcerated individuals by county under the Program.
- c. Personnel costs by county.
- d. ~~Inmate~~ Incarcerated individual medical care costs by county.
- e. The number of counties that volunteer to house ~~inmates~~ incarcerated individuals under the Program.

...

(b3) The custodian of a local confinement facility may request a judicial order to transfer a misdemeanant housed pursuant to the Statewide Misdemeanant Confinement Program to a facility operated by the Division of Prisons by certifying in writing to the clerk of the superior court in the county in which the local confinement facility is located that one of the following conditions is met:

(1) The misdemeanant poses a security risk because the misdemeanant:

...

- c. Needs to be protected from other ~~inmates~~ incarcerated individuals, and the county jail facility cannot provide ~~such that~~ protection.
- d. Is a female or a person 18 years of age or younger, and the county jail facility does not have adequate housing for ~~such prisoners~~ those incarcerated individuals.

...

- f. Otherwise poses an imminent danger to the staff of the county jail facility or to other ~~prisoners~~ incarcerated individuals in the facility.

...

(3) The local confinement facility that would be required to house the ~~prisoner~~ incarcerated individual (i) cannot reasonably accommodate any more ~~prisoners~~ incarcerated individuals due to segregation requirements for particular ~~prisoners~~ incarcerated individuals, or the local facility does not meet the minimum standards published pursuant to G.S. 153A-221, and (ii) no other local confinement facility is available.

Upon receiving such request and certification in writing, any superior or district court judge for the district in which the local confinement facility is located may, after ascertaining that the request meets the criteria set forth in subdivision (1), (2), or (3) of this subsection, order the

1 misdemeanor transferred to a unit of the State prison system designated by the Secretary of the
2 Department of Adult Correction or the Secretary's authorized representative. Individuals meeting
3 the condition set forth in subdivision (2) of this subsection may be ordered to be transferred for
4 an initial period not to exceed 30 days. The sheriff of the county from which the ~~prisoner~~
5 incarcerated individual is removed shall be responsible for conveying the ~~prisoner-incarcerated~~
6 individual to the prison unit where the ~~prisoner-incarcerated individual~~ is to be held and for
7 returning the ~~prisoner-incarcerated individual~~ to the jail of the county from which the ~~prisoner~~
8 incarcerated individual was transferred. The officer in charge of the prison unit designated by the
9 Secretary of the Department of Adult Correction shall receive custody of the ~~prisoner~~
10 incarcerated individual in accordance with the terms of the order. Prior to the conclusion of the
11 30-day period, the Division of Prisons shall conduct an assessment of treatment and venue needs.
12 The assessment shall be conducted by the attending medical or mental health professional and
13 shall assess the medical and mental health needs of the ~~prisoner-incarcerated individual~~ and make
14 a recommendation on whether the ~~prisoner-incarcerated individual~~ should remain in the custody
15 of the Division of Prisons of the Department of Adult Correction or if the ~~prisoner-incarcerated~~
16 individual should be returned to the custody of the county. To extend the order beyond the initial
17 30-day period, the sheriff shall provide the Division of Prisons assessment and any other relevant
18 information to the resident judge or the superior court or any judge holding superior court in the
19 district or any district court judge who shall determine whether to extend the transfer of the
20 ~~prisoner-incarcerated individual~~ to a unit of the State prison system beyond the initial 30-day
21 period. If the judge determines that the ~~prisoner-incarcerated individual~~ should remain in the
22 custody of the Division of Prisons, the judge shall renew the order and include a date certain for
23 review by the court. Prior to the date of review, the Division shall conduct a reassessment of
24 treatment and venue needs and the sheriff shall provide the reassessment and any other relevant
25 information to the court, as described in this subsection. If the judge determines that the ~~prisoner~~
26 incarcerated individual should not remain in the custody of the Division of Prisons, the officer in
27 charge of the prison unit designated by the Secretary of the Department of Adult Correction shall
28 release custody of the ~~prisoner-incarcerated individual~~ in accordance with the court order and the
29 instructions of the attending medical or mental health professional. The Division of Prisons shall
30 be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of housing the
31 misdemeanor, including the care, supervision, and transportation of the misdemeanor.

32 ...

33 (d) When a ~~prisoner-an incarcerated individual~~ serving a sentence of 30 days or more in
34 a local confinement facility is placed on work release pursuant to a recommendation of the
35 sentencing court, the custodian of the facility shall forward the ~~prisoner's-incarcerated~~
36 individual's work-release earnings to the Division of Prisons, which shall disburse the earnings
37 as determined under G.S. 148-33.1(f). When a ~~prisoner-an incarcerated individual~~ serving a
38 sentence of 30 days or more in a local confinement facility is placed on work release pursuant to
39 an order of the sentencing court, the custodian of the facility shall forward the ~~prisoner's~~
40 incarcerated individual's work-release earnings to the clerk of the court that sentenced the
41 ~~prisoner-incarcerated individual~~ or to the Division of Prisons, as provided in the ~~prisoner's~~
42 incarcerated individual's commitment order. The clerk or the Division, as appropriate, shall
43 disburse the earnings as provided in the ~~prisoner's-incarcerated individual's~~ commitment order.
44 Upon agreement between the Division of Prisons and the custodian of the local confinement
45 facility, however, the clerk may disburse to the local confinement facility the amount of the
46 earnings to be paid for the cost of the ~~prisoner's-incarcerated individual's~~ keep, and that amount
47 shall be set off against the reimbursement to be paid by the Department to the local confinement
48 facility pursuant to G.S. 148-32.1(a).

49 (e) Upon entry of a ~~prisoner-an incarcerated individual~~ serving a sentence of
50 imprisonment for impaired driving under G.S. 20-138.1 into a local confinement facility or to a
51 detention facility approved by the Division of Juvenile Justice of the Department of Public Safety

pursuant to this section, the custodian of the local confinement facility or detention facility shall forward to the Post-Release Supervision and Parole Commission information pertaining to the ~~prisoner incarcerated individual~~ so as to make ~~him~~ the individual eligible for parole consideration pursuant to G.S. 15A-1371. ~~Such~~ This information shall include date of incarceration, jail credit, and ~~such~~ other information as may be required by the Post-Release Supervision and Parole Commission. The Post-Release Supervision and Parole Commission shall approve a form upon which the custodian shall furnish this information, which form will be provided to the custodian by the Division of Prisons.

"§ 148-32.4. Oversight of Department of Transportation and forestry work assignments.

(a) No later than March 1 and September 1 of each year, the Department of Adult Correction, in consultation with the Department of Transportation (DOT) and the North Carolina Forest Service, shall report to the Governor and General Assembly regarding the work of incarcerated individuals on DOT and forestry work assignments, including, at a minimum, all of the following information:

- (1) Total hours worked by incarcerated individuals.
- (2) Wages paid and any deductions applied.
- (3) Estimated cost-savings to the State compared to civilian labor costs.
- (4) Work site safety measures implemented.
- (5) Skill certifications and job placements available to incarcerated workers upon release.

(b) No incarcerated individual shall be compelled to work in road maintenance, construction, or forestry without voluntary participation and fair wages.

(c) Any forestry, conservation, or wildfire suppression work performed by incarcerated individuals shall provide industry-recognized certification opportunities in firefighting, land management, and forestry to improve post-release employability.

(d) Medical assessments for DOT and forestry work shall include, at a minimum, each of the following requirements:

- (1) No incarcerated individual shall be assigned physically demanding labor based on outward physical appearance alone.
- (2) Eligibility for DOT and forestry work shall be based on a comprehensive medical evaluation conducted by a licensed healthcare professional.

(e) The Prison Labor Oversight Board created by G.S. 148-32.5 shall conduct an annual audit of DOT and forestry work programs to ensure compliance with fair labor standards, workforce training goals, and public transparency requirements.

"§ 148-32.5. Independent oversights, public transparency, and worker protections.

(a) A Prison Labor Oversight Board shall be established within the Department of Adult Correction to do each of the following:

- (1) Conduct annual audits of all prison labor programs.
- (2) Ensure compliance with PIECP standards and fair wage requirements.
- (3) Investigate allegations of forced labor, unsafe working conditions, or wage exploitation.

(b) No later than March 1 and September 1 of each year, the Department of Adult Correction shall report to the Governor and General Assembly regarding the work of incarcerated individuals, including, at a minimum, all of the following information:

- (1) The types of work assignments offered to incarcerated individuals.
- (2) The total revenue generated from prison labor contracts.
- (3) Job placement rates of formerly incarcerated individuals who participated in work programs.
- (4) The overall impact of prison labor programs on North Carolina's economy and workforce development efforts.

(c) The Department of Adult Correction shall establish a Prison Labor Complaint Hotline, allowing incarcerated individuals, their families, and advocates to anonymously report labor violations, wage theft, or unsafe conditions related to the work of incarcerated individuals.
"§ 148-33.1. Sentencing, quartering, and control of ~~prisoners~~ incarcerated individuals with work-release privileges.

(a) Whenever a person is sentenced to imprisonment for a term to be served in the State prison system or a local confinement facility, the Secretary of the Department of Adult Correction may authorize the Director of Prisons or the custodian of the local confinement facility to grant work-release privileges to any ~~inmate-incarcerated individual~~ who is eligible for work release and who has not been granted work-release privileges by order of the sentencing court. The Secretary of the Department of Adult Correction shall authorize immediate work-release privileges for any person serving a sentence not exceeding five years in the State prison system and for whom the presiding judge shall have recommended work-release privileges when (i) it is verified that appropriate employment for the person is available in an area where, in the judgment of the Secretary, the Division of Prisons of the Department of Adult Correction has facilities to which the person may suitably be assigned, and (ii) custodial and correctional considerations would not be adverse to releasing the person without supervision into the free community.

...

(c) The Division of Prisons of the Department of Adult Correction shall from time to time, as the need becomes evident, designate and adapt facilities in the State prison system for quartering ~~prisoners-incarcerated individuals~~ with work-release privileges. No State or county ~~prisoner-incarcerated individual~~ shall be granted work-release privileges by the Director of Prisons or the custodian of a local confinement facility until suitable facilities for quartering ~~him~~ the incarcerated individual have been provided in the area where the ~~prisoner-incarcerated individual~~ has employment or the offer of employment.

(d) The Secretary of the Department of Adult Correction is authorized and directed to establish a work-release plan under which an eligible ~~prisoner-incarcerated individual~~ may be released from actual custody during the time necessary to proceed to the place of ~~his-the incarcerated individual's~~ employment, perform ~~his-the incarcerated individual's~~ work, and return to quarters designated by the prison authorities. If the ~~prisoner-incarcerated individual~~ shall violate any of the conditions prescribed by prison rules and regulations for the administration of the work-release plan, then ~~such-prisoner-the incarcerated individual~~ may be withdrawn from work-release privileges, and the ~~prisoner-incarcerated individual~~ may be transferred to the general prison population to serve out the remainder of ~~his-the incarcerated individual's~~ sentence. Rules and regulations for the administration of the work-release plan shall be established in the same manner as other rules and regulations for the government of the State prison system.

(e) The State Department of Labor shall exercise the same supervision over conditions of employment for persons working in the free community while serving sentences imposed under this section as the Department does over conditions of employment for free persons.

(f) ~~A prisoner-An incarcerated individual~~ who is convicted of a felony and who is granted work-release privileges shall give ~~his-the incarcerated individual's~~ work-release earnings, less standard payroll deductions required by law, to the Division of Prisons of the Department of Adult Correction. ~~A prisoner-An incarcerated individual~~ who is convicted of a misdemeanor, is committed to a local confinement facility, and is granted work-release privileges by order of the sentencing court shall give ~~his-the incarcerated individual's~~ work-release earnings, less standard payroll deductions required by law, to the custodian of the local confinement facility. Other misdemeanants granted work-release privileges shall give their work-release earnings, less standard payroll deductions required by law, to the Division of Prisons of the Department of Adult Correction. The Division of Prisons of the Department of Adult Correction or the sentencing court, as appropriate, shall determine the amount to be deducted from ~~a prisoner's-an incarcerated individual's~~ work-release earnings to pay for the cost of the ~~prisoner's-incarcerated~~

individual's keep and to accumulate a reasonable sum to be paid the ~~prisoner-incarcerated individual~~ when ~~he-the individual~~ is paroled or discharged from prison. The Division or sentencing court shall also determine the amount to be disbursed by the Division or clerk of court, as appropriate, for each of the following:

- (1) To pay travel and other expenses of the ~~prisoner-incarcerated individual~~ made necessary by ~~his employment;the incarcerated individual's employment.~~
- (2) To provide a reasonable allowance to the ~~prisoner-incarcerated individual~~ for ~~his-the incarcerated individual's incidental personal expenses;expenses.~~
- (3) To make payments for the support of the ~~prisoner's-incarcerated individual's~~ dependents in accordance with an order of a court of competent jurisdiction, or in the absence of a court order, in accordance with a determination of dependency status and need made by the local department of social services in the county of North Carolina in which ~~such-the dependents reside;reside.~~
- (3a) To make restitution or reparation as provided in G.S. 148-33.2.
- (4) To comply with an order from any court of competent jurisdiction regarding the payment of an obligation of the ~~prisoner-incarcerated individual~~ in connection with any judgment rendered by the court.
- (5) To comply with a written request by the ~~prisoner-incarcerated individual~~ to withhold an amount, when the request has been granted by the Division or the sentencing court, as appropriate.

Any balance of ~~his-the incarcerated individual's~~ earnings remaining at the time the ~~prisoner-incarcerated individual~~ is released from prison shall be paid to ~~him-the incarcerated individual~~. The Social Services Commission is authorized to promulgate uniform rules and regulations governing the duties of county social services departments under this section.

(g) No ~~prisoner-incarcerated individual~~ employed in the free community under the provisions of this section shall be deemed to be an agent, employee, or involuntary servant of the State prison system while working in the free community or going to or from ~~such-that~~ employment.

(h) Any ~~prisoner-incarcerated individual~~ employed under the provisions of this section shall not be entitled to any benefits under Chapter 96 of the General Statutes entitled "Employment Security" during the term of the sentence.

(i) No recommendation for work release shall be made at the time of sentencing in any case in which the presiding judge shall suspend the imposition of sentence and place a convicted ~~person-incarcerated individual~~ on probation; however, if probation be subsequently revoked and the active sentence of imprisonment executed, the court may at that time recommend work release. Neither a recommendation for work release by the court or the decision of the Secretary of the Department of Adult Correction to place a person on work release shall give rise to any vested statutory right to an individual to be placed on or continued on work release.

(j) The provisions of subsections (f), (g), and (h) of this section shall also apply to ~~prisoners-incarcerated individuals~~ employed in private prison enterprises conducted pursuant to G.S. 148-70.

"§ 148-33.2. Restitution by ~~prisoners-incarcerated individuals~~ with work-release privileges.

(a) Repealed by Session Laws 1985, c. 474, s. 4.

(b) As a rehabilitative measure, the Secretary of the Department of Adult Correction is authorized to require any ~~prisoner-incarcerated individual~~ granted work-release privileges to make restitution or reparation to an aggrieved party from any earnings gained by the defendant while on work release when the sentencing court recommends that restitution or reparation be paid by the defendant out of any earnings gained by the defendant if ~~he-the defendant~~ is granted work-release privileges and out of other resources of the defendant, including all real and personal property owned by the defendant and the income derived from such property. The Secretary shall not be bound by ~~such-this~~ recommendation, but if ~~they-elect-the Secretary elects~~

1 not to implement the recommendation, ~~they~~ the Secretary shall state in writing the reasons
2 ~~therefor, for not doing so~~ and shall forward the same to the sentencing court.

3 (c) When an active sentence is imposed, the court shall consider whether, as a
4 rehabilitative measure, it should recommend to the Secretary of the Department of Adult
5 Correction that restitution or reparation be made by the defendant out of any earnings gained by
6 the defendant if ~~he~~ the defendant is granted work-release privileges and out of other resources of
7 the defendant, including all real and personal property owned by the defendant, and income
8 derived from ~~such~~ that property. If the court determines that restitution or reparation should not
9 be recommended, it shall so indicate on the commitment. If, however, the court determines that
10 restitution or reparation should be recommended, the court shall make its recommendation a part
11 of the order committing the defendant to custody. The recommendation shall be in accordance
12 with the applicable provisions of G.S. 15A-1343(d) and Article 81C of Chapter 15A of the
13 General Statutes. If the offense is one in which there is evidence of physical, mental or sexual
14 abuse of a minor, the court may order the defendant to pay from work release earnings the cost
15 of rehabilitative treatment for the minor. The Administrative Office of the Courts shall prepare
16 and distribute forms which provide ample space to make restitution or reparation
17 recommendations incident to commitments, which forms shall be conveniently structured to
18 enable the sentencing court to make its recommendation.

19 (d) The Secretary of the Department of Adult Correction shall establish rules and
20 regulations to implement this section, which shall include adequate notice to the ~~prisoner~~
21 incarcerated individual that the payment of restitution or reparation from any earnings gained by
22 the ~~prisoner~~ incarcerated individual while on work release is being considered as a condition of
23 any work-release privileges granted the ~~prisoner~~, incarcerated individual, and opportunity for the
24 ~~prisoner~~ incarcerated individual to be heard. ~~Such~~ These rules and regulations shall also provide
25 additional methods whereby facts may be obtained to supplement the recommendation of the
26 sentencing court.

27 **"§ 148-36. Secretary of the Department of Adult Correction to control classification and**
28 **operation of prison facilities.**

29 All facilities established or acquired by the Division of Prisons of the Department of Adult
30 Correction shall be under the administrative control and direction of the Secretary of the
31 Department of Adult Correction, and operated under rules and regulations proposed by the
32 Secretary and adopted by the Division of Prisons of the Department of Adult Correction as
33 provided in G.S. 148-11. Subject to ~~such~~ these rules and regulations, the Secretary shall classify
34 the facilities of the State prison system and develop a variety of programs so as to permit proper
35 segregation and treatment of ~~prisoners~~ incarcerated individuals according to the nature of the
36 offenses committed, the character and mental condition of the ~~prisoners~~, incarcerated individuals,
37 and ~~such~~ other factors as should be considered in providing an individualized system of
38 discipline, care, and correctional treatment of persons committed to the Division. The Secretary
39 of the Department of Adult Correction, or ~~his~~ the Secretary's authorized representative, shall
40 designate the places of confinement where sentences to imprisonment in the State's prison system
41 shall be served. The Secretary or ~~his~~ the Secretary's representative may designate any available
42 facility appropriate for the individual in view of custodial and correctional considerations.

43 **"§ 148-37. Additional facilities authorized; contractual arrangements.**

44 (a) Subject to the provisions of G.S. 143-341, the Division of Prisons of the Department
45 of Adult Correction may establish additional facilities for use by the Division, ~~such~~ these
46 facilities to be either of a permanent type of construction or of a temporary or movable type as
47 the Division may find most advantageous to the particular needs, to the end that the ~~prisoners~~
48 incarcerated individuals under its supervision may be so distributed throughout the State as to
49 facilitate individualization of treatment designed to prepare ~~them~~ the incarcerated individuals for
50 lawful living in the community where ~~they are~~ each is most likely to reside after ~~their~~ release
51 from prison. For this purpose, the Division may purchase or lease sites and suitable lands adjacent

1 ~~thereto~~ to those sites and erect necessary buildings ~~thereon~~, on those sites and lands, or purchase
2 or lease existing facilities, all within the limits of allotments as approved by the Department of
3 Administration.

4 (b) The Secretary of the Department of Adult Correction may contract with the proper
5 official of the United States or of any county or city of this State for the confinement of federal
6 ~~prisoners~~ incarcerated individuals after they have been sentenced, county, or city ~~prisoners~~
7 incarcerated individuals in facilities of the State prison system or for the confinement of State
8 ~~prisoners~~ incarcerated individuals in any county or any city facility located in North Carolina, or
9 any facility of the United States Bureau of Prisons, when to do so would most economically and
10 effectively promote the purposes served by the Division of Prisons of the Department of Adult
11 Correction. Except as otherwise provided, any contract made under the authority of this
12 subsection shall be for a period of not more than two years, and shall be renewable from time to
13 time for a period not to exceed two years. Contracts made under the authority of this subsection
14 for the confinement of State ~~prisoners~~ incarcerated individuals in local or district confinement
15 facilities may be for a period of not more than 10 years and renewable from time to time for a
16 period not to exceed 10 years, and shall be subject to the approval of the Council of State and the
17 Department of Administration after consultation with the Joint Legislative Commission on
18 Governmental Operations. Contracts for receiving federal, county and city ~~prisoners~~ incarcerated
19 individuals shall provide for reimbursing the State in full for all costs involved. The financial
20 provisions shall have the approval of the Department of Administration before the contract is
21 executed. Payments received under ~~such~~ these contracts shall be deposited in the State treasury
22 for the use of the Division of Prisons of the Department of Adult Correction. ~~Such~~ These
23 ~~payments are hereby~~ shall be appropriated to the Division of Prisons of the Department of Adult
24 Correction as a supplementary fund to compensate for the additional care and maintenance of
25 ~~such~~ the prisoners as are received under ~~such~~ these contracts.

26 ...

27 (c) In addition to the authority contained in subsections (a) and (b) of this section, and in
28 addition to the contracts ratified by subsection (f) of this section, the Secretary of the Department
29 of Adult Correction may enter into contracts with any public entity or any private nonprofit or
30 for-profit firms for the confinement and care of State ~~prisoners~~ incarcerated individuals in any
31 out-of-state correctional facility when to do so would most economically and effectively promote
32 the purposes served by the Division of Prisons of the Department of Adult Correction. Contracts
33 entered into under the authority of this subsection shall be for a period not to exceed two years
34 and shall be renewable from time to time for a period not to exceed two years. ~~Prisoners~~
35 Incarcerated individuals may be sent to out-of-state correctional facilities only when there are no
36 available facilities in this State within the State prison system to appropriately house those
37 ~~prisoners~~ incarcerated individuals. Any contract made under the authority of this subsection shall
38 be approved by the Department of Administration before the contract is executed. Before
39 expending more than the amount specifically appropriated by the General Assembly for the
40 out-of-state housing of ~~inmates~~ incarcerated individuals, the Division shall obtain the approval
41 of the Joint Legislative Commission on Governmental Operations and shall report such
42 expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of
43 the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs
44 of the Joint Legislative Oversight Committee on Justice and Public Safety.

45 (d) ~~Prisoners~~ Incarcerated individuals confined in out-of-state correctional facilities
46 pursuant to subsection (c) of this section shall remain subject to the rules adopted for the conduct
47 of persons committed to the State prison system. The rules regarding good time and gain time,
48 discipline, classification, extension of the limits of confinement, transfers, housing arrangements,
49 and eligibility for parole shall apply to ~~inmates~~ incarcerated individuals housed in those
50 out-of-state correctional facilities. The operators of those out-of-state correctional facilities may
51 promulgate any other rules as may be necessary for the operation of those facilities with the

written approval of the Secretary of the Department of Adult Correction. Custodial officials employed by an out-of-state correctional facility are agents of the Secretary of the Department of Adult Correction and may use those procedures for use of force authorized by the Secretary of the Department of Adult Correction not inconsistent with the laws of the State of situs of the facility to defend themselves, to enforce the observance of discipline in compliance with correctional facility rules, to secure the person of a ~~prisoner~~, an incarcerated individual, and to prevent escape. ~~Prisoners-Incarcerated individuals~~ confined to out-of-state correctional facilities may be required to perform reasonable work assignments within those facilities. Private firms under subsection (c) of this section shall employ inmate disciplinary and grievance policies of the Division of Prisons of the Department of Adult Correction.

...

(g) The Secretary of the Department of Adult Correction may contract with private for-profit or nonprofit firms for the provision and operation of four or more confinement facilities totaling up to 2,000 beds in the State to house State ~~prisoners-incarcerated individuals~~ when to do so would most economically and effectively promote the purposes served by the Division of Prisons of the Department of Adult Correction. This 2,000-bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Whenever the Division of Prisons of the Department of Adult Correction determines that new prison facilities are required in addition to existing and planned facilities, the Division may contract for any remaining beds authorized by this section before constructing State-operated facilities.

Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years. The Secretary of the Department of Adult Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Once the Division has made a determination to contract for additional private prison beds, it shall issue a request for proposals within 30 days of the decision. The request for proposals shall require bids to be submitted within two months, and the Division shall award contracts at the earliest practicable date after the submission of bids. The Secretary of the Department of Adult Correction, in consultation with the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. All contracts for the housing of State ~~prisoners-incarcerated individuals~~ in private confinement facilities shall require a minimum of ten million dollars (\$10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

~~Prisoners-Incarcerated individuals~~ housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of the Department of Adult Correction may review and

1 approve the design and construction of private confinement facilities before housing State
2 ~~prisoners~~ incarcerated individuals in these facilities. The rules regarding good time, gain time,
3 and earned credits, discipline, classification, extension of the limits of confinement, transfers,
4 housing arrangements, and eligibility for parole shall apply to ~~inmates~~ incarcerated individuals
5 housed in private confinement facilities pursuant to this subsection. The operators of private
6 confinement facilities may adopt any other rules as may be necessary for the operation of those
7 facilities with the written approval of the Secretary of the Department of Adult Correction.
8 Custodial officials employed by a private confinement facility are agents of the Secretary of the
9 Department of Adult Correction and may use those procedures for use of force authorized by the
10 Secretary of the Department of Adult Correction to defend themselves, to enforce the observance
11 of discipline in compliance with confinement facility rules, to secure the person of ~~a prisoner, an~~
12 incarcerated individual, and to prevent escape. Private firms under this subsection shall employ
13 inmate disciplinary and grievance policies of the Division of Prisons of the Department of Adult
14 Correction.

15 ...

16 (i) The Division of Prisons of the Department of Adult Correction shall make a written
17 report no later than March 1 of every year, beginning in 1997, on the substance of all outstanding
18 contracts for the housing of State ~~prisoners~~ incarcerated individuals entered into under the
19 authority of this section. The report shall be submitted to the Joint Legislative Oversight
20 Committee on Justice and Public Safety.

21 **"§ 148-37.1. Prohibition on private prisons housing out-of-state ~~inmates~~ incarcerated**
22 **individuals.**

23 (a) Except as otherwise provided in this section or authorized by North Carolina law, no
24 municipality, county, or private entity may authorize, construct, own, or operate any type of
25 correctional facility for the confinement of ~~inmates~~ incarcerated individuals serving sentences
26 for violation of the laws of a jurisdiction other than North Carolina.

27 (b) The provisions of this section shall not apply to facilities owned or operated by the
28 federal government and used exclusively for the confinement of ~~inmates~~ incarcerated individuals
29 serving sentences for violation of federal law, but only to the extent that ~~such~~ those facilities are
30 not subject to restriction by the states under the provisions of the United States Constitution.

31 **"§ 148-37.3. Authority of private correctional officers employed pursuant to a contract**
32 **with the Federal Bureau of Prisons.**

33 (a) Correctional officers and security supervisors employed at private correctional
34 facilities pursuant to a contract between their employer and the Federal Bureau of Prisons may,
35 in the course of their employment as correctional officers or security supervisors, use necessary
36 force and make arrests consistent with the laws applicable to the Division of Prisons of the
37 Department of Adult Correction, which force shall not exceed that authorized to Division of
38 Prisons of the Department of Adult Correction officers, provided that the employment policies
39 of ~~such~~ those private corporations meet the same minimum standards and practices followed by
40 the Division of Prisons of the Department of Adult Correction in employing its correctional
41 personnel, and ~~if~~ if either of the following circumstances applies:

42 (1) Those correctional officers and security supervisors have been certified as
43 correctional officers as provided under Article 1 of Chapter 17C of the
44 ~~General Statutes; or~~ Statutes.

45 (2) Those correctional officers and security supervisors employed by the private
46 corporation at the facility have completed a training curriculum that meets or
47 exceeds the standards required by the North Carolina Criminal Justice
48 Education and Training Standards Commission for correctional personnel.

49 ...

50 (c) Any private corporation described in subsection (a) of this section shall reimburse the
51 State and any county or other law enforcement agency for the full cost of any additional expenses

incur by the State or the county or other law enforcement agency in connection with the pursuit and apprehension of an escaped ~~inmate~~incarcerated individual from the facility.

In the event of an escape from the facility, any private corporation described in subsection (a) of this section shall immediately notify the sheriff in the county in which the facility is located, who shall cause an immediate entry into the Department of Public Safety's Criminal Information Network. The sheriff of the county in which the facility is located shall be the lead law enforcement officer in connection with the pursuit and apprehension of an escaped ~~inmate~~incarcerated individual from the facility.

"§ 148-40. Recapture of escaped ~~prisoners~~incarcerated individuals.

The rules and regulations for the government of the State prison system may provide for the recapture of ~~convicts~~incarcerated individuals that may escape, or any ~~convicts~~incarcerated individuals that may have escaped from the State's prison or prison camps, or county road camps of this State, and the Division of Prisons of the Department of Adult Correction may pay to any person recapturing an escaped ~~convict~~such incarcerated individual a reward or expense of recapture as the regulations may provide. Any citizen of North Carolina shall have authority to apprehend any ~~convict~~incarcerated individual who may escape before the expiration of the ~~convict's~~incarcerated individual's term of imprisonment whether the ~~convict~~incarcerated individual be guilty of a felony or misdemeanor, and retain the ~~convict~~incarcerated individual in custody and deliver the ~~convict~~incarcerated individual to the Division of Prisons of the Department of Adult Correction.

"§ 148-41. Recapture of escaping ~~prisoners~~incarcerated individuals; reward.

The Secretary of the Department of Adult Correction shall use every means possible to recapture, regardless of expense, any ~~prisoners~~incarcerated individuals escaping from or leaving without permission any of the State prisons, camps, or farms. When any person who has been confined or placed to work escapes from the State prison system, the Secretary shall immediately notify the Governor, and accompany the notice with a full description of the escaped ~~prisoner~~incarcerated individual, together with such information as will aid in the recapture. The Governor may offer ~~such~~ rewards as ~~he~~the Governor may deem desirable and necessary for the recapture and return to the State prison system of any person who may escape or who ~~heretofore~~ has escaped therefrom. ~~Such escaped.~~ The reward earned shall be paid by warrant of the Division of Prisons of the Department of Adult Correction and accounted for as a part of the expense of maintaining the State's prisons.

"§ 148-44. Separation as to sex.

The Department shall provide quarters for female ~~prisoners~~incarcerated individuals separate from those for male ~~prisoners~~incarcerated individuals.

"§ 148-45. Escaping or attempting escape from State prison system; failure of conditionally and temporarily released ~~prisoners~~incarcerated individuals and certain youthful offenders to return to custody of Division of Prisons of the Department of Adult Correction.

(a) Any person in the custody of the Division of Prisons of the Department of Adult Correction in any of the classifications ~~hereinafter~~set forth in this subsection who shall escape from the State prison system, shall for the first such offense, except as provided in subsection (g) of this section, be guilty of a Class 1 misdemeanor:

- (1) ~~A prisoner~~An incarcerated individual serving a sentence imposed upon conviction of a ~~misdemeanor~~misdemeanor.
- (2) A person who has been charged with a misdemeanor and who has been committed to the custody of the Division of Prisons of the Department of Adult Correction under the provisions of ~~G.S. 162-39~~G.S. 162-39.

(b) Any person in the custody of the Division of Prisons of the Department of Adult Correction, in any of the classifications ~~hereinafter set forth~~, forth in this subsection, who shall escape from the State prison system, shall, except as provided in subsection (g) of this section, be punished as a Class H felon:

(1) ~~A prisoner~~ An incarcerated individual serving a sentence imposed upon conviction of a ~~felony~~; felony.

(2) A person who has been charged with a felony and who has been committed to the custody of the Division of Prisons of the Department of Adult Correction under the provisions of ~~G.S. 162-39~~; G.S. 162-39.

...

(4) A person who shall have been convicted of a felony and who shall have been committed to the Division of Prisons of the Department of Adult Correction for presentence diagnostic study under the provisions of ~~G.S. 15A-1332(c)~~; or G.S. 15A-1332(c).

(5) Any person previously convicted of escaping or attempting to escape from the State prison system.

...

(f) Any person convicted of an escape or attempt to escape classified as a felony by this section shall be immediately classified and treated as a convicted felon even if ~~such the~~ person has time remaining to be served in the State prison system on a sentence or sentences imposed upon conviction of a misdemeanor or misdemeanors.

(g) (1) Any person convicted and in the custody of the Division of Prisons of the Department of Adult Correction and ordered or otherwise assigned to work under the work-release program, G.S. 148-33.1, or any convicted person in the custody of the Division of Prisons of the Department of Adult Correction and temporarily allowed to leave a place of confinement by the Secretary of the Department of Adult Correction or ~~his the~~ Secretary's designee or other authority of law, who shall fail to return to the custody of the Division of Prisons of the Department of Adult Correction, shall be guilty of the crime of escape and subject to the applicable provisions of this section and shall be deemed an escapee. For the purpose of this subsection, escape is defined to include, but is not restricted to, willful failure to return to an appointed place and at an appointed time as ordered.

(2) If a person, who would otherwise be guilty of a first violation of G.S. 148-45(g)(1), voluntarily returns to his place of confinement within 24 hours of the time at which ~~he the~~ the person was ordered to return, ~~such that~~ that person shall not be charged with an escape as provided in this section but shall be subject to ~~such~~ administrative action as may be deemed appropriate for an escapee by the Division of Prisons of the Department of Adult Correction; ~~said that~~ that escapee shall not be allowed to be placed on work release for a four-month period or for the balance of ~~his the~~ the escapee's term if less than four months; provided, however, that if ~~such that~~ that person commits a subsequent violation of this section then ~~such that~~ that person shall be charged with that offense and, if convicted, punished under the provisions of this section.

"§ 148-46. Degree of protection against violence allowed.

(a) When any ~~prisoner~~, incarcerated individual, or several ~~combined combined~~, shall offer violence to any officer, overseer, or correctional officer, or to any fellow ~~prisoner~~, incarcerated individual, or attempt to do any injury to the prison building, or to any workshop, or other equipment, or shall attempt to escape, or shall resist, or disobey any lawful command, the officer, overseer, or correctional officer shall use any means necessary to defend himself, or

to enforce the observance of discipline, or to secure the person of the offender, and to prevent an escape.

(b) A misdemeanor ~~prisoner-incarcerated individual~~ classified and treated as a convicted felon as the result of a consecutive felony sentence or sentences, or a convicted felon placed in the custody of the Secretary of the Department of Adult Correction pending the outcome of an appeal, or a defendant charged with a felony or felonies and placed in the custody of the Secretary of the Department of Adult Correction pending trial, shall be considered as a convicted felon in the custody of the Secretary of the Department of Adult Correction against whom any means reasonably necessary, including deadly force, may be used to prevent an escape.

"§ 148-46.1. Inflicting or assisting in infliction of self injury to ~~prisoner-an incarcerated individual~~ resulting in incapacity to perform assigned duties.

Any person serving a sentence or sentences within the State prison system who, during the term of such imprisonment, willfully and intentionally inflicts upon himself any injury resulting in a permanent or temporary incapacity to perform work or duties assigned to ~~him-that person by~~ the Division of Prisons of the Department of Adult Correction, or any ~~prisoner-incarcerated individual~~ who aids or abets any other ~~prisoner-incarcerated individual~~ in the commission of such offense, shall be punished as a Class H felon.

"§ 148-46.2. Procedure when consent is refused by ~~prisoner-an incarcerated individual~~.

When the Secretary of the Department of Adult Correction finds as a fact that the injury to any ~~prisoner-incarcerated individual~~ was willfully and intentionally self-inflicted and that an operation or treatment is necessary for the preservation or restoration of the health of the ~~prisoner-incarcerated individual~~ and that the ~~prisoner-incarcerated individual~~ is competent to act for himself or herself; and that attempts have been made to obtain consent for the proposed operation or treatment but ~~such-the~~ consent was refused, and the findings have been reduced to writing and entered into the ~~prisoner's-incarcerated individual's~~ records as a permanent part ~~thereof, of those records,~~ then the chief medical officer of the prison hospital or prison institution shall be authorized to give or withhold, on behalf of the ~~prisoner,-incarcerated individual,~~ consent to the operation or treatment.

In all cases coming under the provisions of this section, the medical staff of the hospital or institution shall keep a careful and complete medical record of the treatment and surgical procedures undertaken. The record shall be signed by the chief medical officer of the hospital or institution and the surgeon performing any surgery. Any treatment of self-inflicted injuries shall also be subject to the provisions of G.S. 90-21.13 and G.S. 90-21.16.

"§ 148-47. Disposition of child born of female ~~prisoner-incarcerated individual~~.

Any child born of a female ~~prisoner-incarcerated individual~~ while ~~she-the individual~~ is in custody shall as soon as practicable be surrendered to the director of social services of the county ~~wherein-where~~ the child was born upon a proper order of the domestic relations court or juvenile court of ~~said-that~~ county affecting the custody of ~~said-the~~ child. When it appears to be for the best interest of the child, the court may place custody beyond the geographical bounds of Wake County: Provided, however, that all subsequent proceedings and orders affecting custody of ~~said the~~ child shall be within the jurisdiction of the proper court of the county where the infant is residing at the time ~~such-the~~ proceeding is commenced or ~~such-the~~ order is sought: Provided, further, that nothing in this section shall affect the right of the mother to consent to the adoption of ~~her-the~~ child nor shall the right of the mother to place ~~her-the~~ child with the legal father or other suitable relative be affected by the provisions of this section.

"§ 148-48. Parole powers of Parole Commission unaffected.

Nothing in this Chapter shall be construed to limit or restrict the power of the Parole Commission to parole ~~prisoners-incarcerated individuals~~ under ~~such~~ conditions as it may impose or prevent the reimprisonment of ~~such-prisoners-incarcerated individuals~~ upon violation of the conditions of ~~such-that~~ parole, as now provided by law.

...."

1 **SECTION 3.** If any section or provision of this act is declared unconstitutional or
2 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
3 the part declared to be unconstitutional or invalid.

4 **SECTION 4.** This act becomes effective July 1, 2026.