

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 137
Judiciary II Committee Substitute Adopted 3/6/01
Third Edition Engrossed 3/7/01
House Committee Substitute Favorable 4/12/01

Short Title: Private Correctional Officers.

(Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO
USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA
LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Correctional officers and security supervisors employed at private correctional facilities pursuant to a contract between their employer and the Federal Bureau of Prisons, may in the course of their employment as correctional officers or security supervisors use necessary force and make arrests consistent with the laws applicable to the North Carolina Department of Correction, which force shall not exceed that authorized to Department of Correction officers, provided that the Department of Correction determines that the employment policies of such private corporations meet the same minimum standards and practices followed by the Department of Correction in employing its correctional personnel, and if:

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

(2) Those correctional officers and security supervisors employed by the private corporation at the facility have completed a training curriculum that the Department of Correction has determined meets or exceeds the standards required by the North Carolina Criminal Justice Education and Training Standards Commission for correctional personnel. The Department may require that it be notified of the names and positions of such persons prior to such persons' beginning duties at the correctional facility, and the names and positions of those persons already employed at the correctional facility on the effective date of

1 this act and that the Department be notified when any such person is
2 no longer employed in such duties at the correctional facility.

3 **SECTION 2.** Any private corporation described in Section 1 of this act shall
4 without limit defend, indemnify, and hold harmless the State, its officers, employees,
5 and agents from any claims arising out of the operation of the private correctional
6 facility, or the granting of the powers authorized under this act, including any attorneys'
7 fees or other legal costs incurred by the State, its officers, employees, or agents as a
8 result of such claims.

9 **SECTION 3.** Any private corporation described in Section 1 of this act must
10 maintain in force liability insurance to satisfy any final judgment rendered against the
11 private corporation or the State, its officers, employees, and agents that arises out of the
12 operation of the correctional facility or the indemnification requirements in Section 2 of
13 this act. The minimum amount of liability insurance that will be required under this
14 section is ten million dollars (\$10,000,000) per occurrence, and twenty-five million
15 dollars (\$25,000,000) aggregate per occurrence. The private corporation shall ensure
16 that its insurance company shall provide the Department of Correction with a current
17 Certificate of Insurance evidencing compliance with the requirements of this section
18 within 10 days of the effective date of this act and annually thereafter.

19 **SECTION 4.** The Department of Correction shall adopt rules to implement
20 the provisions of this act.

21 **SECTION 5.** The authority set forth in this act to use necessary force and
22 make arrests shall be in addition to any existing authority set forth in the statutory or
23 common law of the State, but shall not exceed the authority to use necessary force and
24 make arrests set out in Section 1 of this act.

25 **SECTION 6.** A private corporation described in Section 1 of this act shall
26 bear the reasonable costs of services provided by the Department of Correction for the
27 corporation. The amount of the costs shall be determined by the Secretary of the
28 Department.

29 **SECTION 7.** This act is effective when it becomes law, applies to private
30 correctional facilities, and the employees of those correctional facilities, constructed and
31 contracted to be operated by the effective date of this act, and expires two years after the
32 effective date.