

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 137 <PCS CSRL-18>

**SHORT TITLE:** Private Correctional Officers

**SPONSOR(S):** Senator Ballance

<b>FISCAL IMPACT</b>					
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2001-02</u></b>	<b><u>FY 2002-03</u></b>	<b><u>FY 2003-04</u></b>	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>
<b>REVENUES</b>					
<b>EXPENDITURES</b>	\$24,271	\$18,849	0	0	0
<b>POSITIONS:</b>	.5	.5	0	0	0
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Correction					
<b>EFFECTIVE DATE:</b> When it becomes law					

**BILL SUMMARY:** Senate Bill 137 authorizes correctional officers in a private correctional facility run under contract with the Federal Bureau of Prisons to use necessary force and have the powers of arrest, to the extent allowed by law for the Department of Correction, under certain conditions; (1) the bill is limited to facilities receiving awards of contract from the Bureau of Prisons where the county population does not exceed 25,000; (2) the correctional officers/security supervisors are either certified correctional officers under Chapter 17C ( NC Criminal Justice Training and Standards Commission ) or have completed a training course that Dept of Correction determines meets Criminal Justice Training and Standards Commission standards for correctional personnel; (3) the private corporation must maintain liability insurance

The bill sunsets 2 years after the effective date.

**ASSUMPTIONS AND METHODOLOGY:**

Senate Bill 137 requires the Department of Correction (DOC) to do four things in regards to the private correctional facility; (1) determine that the employment policies meet the minimum standards DOC uses in employing their own staff; (2) determine that the training curriculum

meets or exceeds standards used by Criminal Justice Training and Standards Commission for correctional personnel; (3) determine the amount of liability insurance necessary for the facility; (4) adopt rules to implement the act. In addition, DOC *may* require notification by the company of names, positions, and changes in employment.

The immediate impact of this bill would require DOC to review the employment policies and training curriculum of the Wackenhutt Corporation in its contract with the Federal Bureau of Prisons in Hertford County. (There could be other facilities in the future that fall under this bill but that is speculative.) The bill is ambiguous as to whether Department of Correction would merely review the general process and system established by the contract and Wackenhutt or whether they would review and maintain some paperwork on each of the correctional officers and supervisors. Because DOC has the option to review individual names and positions and because the bill asks DOC to adopt rules, the Fiscal Research Division is assuming they will choose the case-by-case review. This activity is comparable to what the Criminal Justice Training & Standards Division does to certify Department of Correction officers; DOC oversees the certification and training process but CJTS reviews and audits the applications and maintains files.

The Department of Correction estimated that they would need one fulltime Personnel Technician (Gr 63 ) to oversee this function. FRD agrees that DOC would need an additional position, primarily because this is a new function for them. However, because the number of private prison personnel involved is fairly small (around 350 at the beginning plus 50-100 per year depending on turnover) we do not think a fulltime position is justified. (1 personnel tech handles the DOC personnel at Criminal Justice Training & Standards. That involves an estimated 3,500 hires per year) Since it is not practical to hire below the half-time level, this estimate is based on a half time position. The other functions required by this bill (eg rulemaking, determining level of liability insurance) would be handled by higher level management but can be absorbed by the Department of Correction within existing resources. Since the bill sunsets after two years, the note reflects costs in 2001-2 and 2002-3 only and a time limited position would be appropriate. The first year costs includes \$ 7,145 in one-time equipment costs for the new position with the assumption this equipment can be used for future DOC employees if the law is sunset and the position not renewed. Inflation (4.8% personnel costs and 2% otherwise) is assumed to affect the costs in the second year.

**FISCAL RESEARCH DIVISION 733-4910**

**PREPARED BY:** Elisa Wolper

**APPROVED BY:** James D. Johnson

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