

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 167

Short Title: No Smoking/Cell Phones on Prison Grounds. (Public)

Sponsors: Senators Albertson; Allran, Atwater, Bingham, Blake, Boseman, Clodfelter, Davis, Dorsett, Hartsell, Jenkins, Jones, Malone, Purcell, Rand, Rouzer, and Stevens.

Referred to: Judiciary I.

February 16, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL
3 INSTITUTIONS AND TO MAKE IT A FELONY TO PROVIDE TOBACCO
4 PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE
5 DEPARTMENT OF CORRECTION.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 148-23.1 reads as rewritten:

8 "§ 148-23.1. Smoking prohibited in State correctional facilities.

9 (a) The General Assembly finds that in order to protect the health, welfare, and comfort
10 of inmates in the custody of the Department of Correction and to reduce the costs of inmate
11 health care, it is necessary to prohibit inmates from using tobacco products ~~inside~~ on the
12 premises of State correctional facilities and to ensure that employees and visitors do not use
13 tobacco products ~~inside~~ on the premises of those facilities.

14 (b) No person may use tobacco products ~~inside~~ on the premises of a State correctional
15 facility, except for authorized religious purposes.

16 (c) The Department of Correction may adopt rules to implement the provisions of this
17 section. Inmates in violation of this section are subject to disciplinary measures to be
18 determined by the Department, including the potential loss of sentence credits earned prior to
19 that violation. Employees in violation of this section are subject to disciplinary action by the
20 Department. Visitors in violation of this section are subject to removal from the facility and
21 loss of visitation privileges.

22 (d) As used in this section, the following terms mean:

23 (1) State correctional facility. – All buildings and grounds of a State correctional
24 institution operated by the Department of Correction.

25 (2) Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar goods
26 made with any part of the tobacco plant that are prepared or used for
27 smoking, chewing, dipping, or other personal use."

28 SECTION 2. G.S. 14-258.1 reads as rewritten:

29 "§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges,
30 ammunition or alcoholic beverages to inmates of charitable, mental or penal
31 institutions or local confinement ~~facilities.~~ facilities; furnishing tobacco
32 products or mobile phones to inmates.

33 (a) If any person shall give or sell to any inmate of any charitable, mental or penal
34 institution, or local confinement facility, or if any person shall combine, confederate, conspire,
35 aid, abet, solicit, urge, investigate, counsel, advise, encourage, attempt to procure, or procure



1 another or others to give or sell to any inmate of any charitable, mental or penal institution, or
2 local confinement facility, any deadly weapon, or any cartridge or ammunition for firearms of
3 any kind, or any controlled substances included in Schedules I through VI contained in Article
4 5 of Chapter 90 of the General Statutes except under the general supervision of a practitioner,
5 poison or poisonous substance, except upon the prescription of a physician, he shall be
6 punished as a Class H felon; and if he be an officer or employee of any institution of the State,
7 or of any local confinement facility, he shall be dismissed from his position or office.

8 (b) Any person who shall knowingly give or sell any alcoholic beverages to any inmate
9 of any State mental or penal institution, or to any inmate of any local confinement facility,
10 except for medical purposes as prescribed by a duly licensed physician and except for an
11 ordained minister or rabbi who gives sacramental wine to an inmate as part of a religious
12 service; or any person who shall combine, confederate, conspire, procure, or procure another or
13 others to give or sell any alcoholic beverages to any inmate of any such State institution or
14 local confinement facility, except for medical purposes as prescribed by a duly licensed
15 physician and except for an ordained minister or rabbi who gives sacramental wine to an
16 inmate as part of a religious service; or any person who shall bring into the buildings, grounds
17 or other facilities of such institution any alcoholic beverages, except for medical purposes as
18 prescribed by a duly licensed physician or sacramental wine brought by an ordained minister or
19 rabbi for use as part of a religious service, shall be guilty of a Class 1 misdemeanor. If such
20 person is an officer or employee of any institution of the State, such person shall be dismissed
21 from office.

22 (c) Any person who knowingly gives or sells any tobacco product, as defined in
23 G.S. 148-23.1, to an inmate in the custody of the Department of Correction, or any person who
24 knowingly gives or sells any tobacco product to a person who is not an inmate for delivery to
25 an inmate, other than for authorized religious purposes, is guilty of a Class I felony.

26 (d) Any person who knowingly gives or sells a mobile telephone or other wireless
27 communications device, or a component of one of those devices, to an inmate in the custody of
28 the Department of Correction, or any person who knowingly gives or sells any such device or
29 component to a person who is not an inmate for delivery to an inmate, is guilty of a Class I
30 felony."

31 **SECTION 3.** The Department of Correction shall ensure that sufficient notice is
32 provided to inmates, staff, and the public of the prohibitions and penalties established in this
33 act, through the posting of signs in prominent places at all State correctional facilities and any
34 other measures the Department deems necessary to sufficiently publicize those prohibitions and
35 penalties.

36 **SECTION 4.** This act becomes effective December 1, 2009, and applies to acts
37 committed on or after that date.