

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 579
Judiciary Committee Substitute Adopted 6/26/19
House Committee Substitute Favorable 10/9/19

Short Title: Prison Reform Act of 2019.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION
3 COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY
4 ALTERNATIVE ORGANIZATION AND MANAGEMENT STRUCTURES FOR THE
5 DIVISION OF ADULT CORRECTION AND JUVENILE JUSTICE OF THE
6 DEPARTMENT OF PUBLIC SAFETY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The Joint Legislative Program Evaluation Oversight Committee shall
9 include in the 2019-2020 Work Plan for the Program Evaluation Division of the General
10 Assembly a study of alternative organization and management structures for the Division of
11 Adult Correction and Juvenile Justice of the Department of Public Safety. The Division, in
12 consultation with the Department of Public Safety and the Fiscal Research Division of the
13 General Assembly, shall examine the following alternatives:

- 14 (1) Creation of the Department of Correction. – A transfer of the authority,
15 powers, duties, and functions of the Division of Prisons, and the Post-Release
16 Supervision and Parole Commission, of the Division of Adult Correction and
17 Juvenile Justice of the Department of Public Safety into a new principal State
18 department: the Department of Correction.
- 19 (2) Creation of the Department of Juvenile Justice and Delinquency Prevention.
20 – A transfer of the authority, powers, duties, and functions of the Juvenile
21 Justice Section in the Division of Adult Correction and Juvenile Justice, Teen
22 Court, Youth Development Centers, Juvenile Court Services, and Juvenile
23 Crime Prevention Councils, from the Division of Adult Correction and
24 Juvenile Justice of the Department of Public Safety into a new principal State
25 department: the Department of Juvenile Justice and Delinquency Prevention.
- 26 (3) Establishment of the Division of Correction. – A transfer of the authority,
27 powers, duties, and functions of the Division of Prisons, and the Post-Release
28 Supervision and Parole Commission, from the Division of Adult Correction
29 and Juvenile Justice of the Department of Public Safety, to establish a new
30 Division of Correction which would be administratively located in the
31 Department of Public Safety. The Division would be an independent agency
32 under the direction and supervision of the Director, who would serve as chief
33 executive officer of the Division and would be solely responsible for all
34 management functions.



- 1 (4) Establishment of the Division of Juvenile Justice and Delinquency Prevention.
2 – A transfer of the authority, powers, duties, and functions of the Juvenile
3 Justice Section in the Division of Adult Correction and Juvenile Justice, Teen
4 Court, Youth Development Centers, Juvenile Court Services, and Juvenile
5 Crime Prevention Councils, from the Division of Adult Correction and
6 Juvenile Justice of the Department of Public Safety, to establish a new
7 Division of Juvenile Justice and Delinquency Prevention which would be
8 administratively located in the Department of Public Safety. The Division
9 would be an independent agency under the direction and supervision of the
10 Director, who would serve as chief executive officer of the Division and
11 would be solely responsible for all management functions.
- 12 (5) Establishment of the Division of Adult Correction and Juvenile Justice. – A
13 transfer of the authority, powers, duties, and functions of the Division of
14 Prisons, Post-Release Supervision and Parole Commission, Community
15 Corrections, the Treatment for Effective Community Supervision Program,
16 the Justice-Reinvestment Council, and Juvenile Justice sections, including
17 Teen Court, Youth Development Centers, Juvenile Court Services, and
18 Juvenile Crime Prevention Councils from the Division of Adult Correction
19 and Juvenile Justice of the Department of Public Safety, to establish a new
20 Division of Adult Correction and Juvenile Justice which would be
21 administratively located in the Department of Public Safety. The Division
22 would be an independent agency under the direction and supervision of the
23 Director, who would serve as chief executive officer of the Division and
24 would be solely responsible for all management functions.

25 **SECTION 2.** The study shall include the following for each of the five specified
26 alternatives to the current organization and management structure for the Division of Adult
27 Correction and Juvenile Justice of the Department of Public Safety:

- 28 (1) Organization. – The organizational structure of the new department or
29 division, a summary of any central administrative office support provided by
30 the Department of Public Safety, including an analysis of the separation of
31 support areas of fiscal, budget, legal, purchasing, controller, legislative,
32 training, records, communication, engineering, and any other necessary
33 aspects needed to form a new department, and a statement of the total
34 personnel positions for management, administration, and programs.
- 35 (2) Budget. – The proposed budget for fiscal year 2021-2022 for each new
36 department or division including any proposed new positions, position
37 reclassifications, or changes to salary structure of personnel that would be
38 required for the transfer or reorganization, as well as an analysis of the
39 financial means necessary to cover the structural budget of each function
40 currently and under any proposed alternative.
- 41 (3) Considerations. – A written statement of all relevant considerations identified
42 by the Department regarding each alternative plan for transfer or
43 reorganization, a summary of why each option should and should not be
44 adopted, including any impact separation may have on coordination and
45 cooperation between agencies concerning intelligence sharing, joint law
46 enforcement operations, or training, and an explanation of how the proposed
47 alternative organization and management structure could result in the most
48 effective and efficient delivery of services and programs.
- 49 (4) Cost. – An analysis of the following:

- 1 a. The full cost of a new department or division, including subdivisions
- 2 (1) and (2) of this section, as well as indirect costs such as signage,
- 3 uniforms, media, vehicle decals, and any other relevant indirect costs.
- 4 b. The cost to fund incentive programs within a new department or
- 5 division, such as retention incentives and employee step pay plans, as
- 6 well as the means to address any structural budget deficits.
- 7 (5) Implementation details. – A plan of implementation, proposed legislation
- 8 required, and an implementation time line for each of the five alternatives.

9 **SECTION 3.** The Program Evaluation Division shall submit its findings to the Joint
10 Legislative Program Evaluation Oversight Committee and to the Joint Legislative Oversight
11 Committee on Justice and Public Safety no later than November 1, 2020.

12 **SECTION 4.** This act is effective when it becomes law.