

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 836

Short Title: Reentry Reform/Modification. (Public)

Sponsors: Representatives Alston, T. Brown, Charles Smith, and Morey (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 24, 2023

A BILL TO BE ENTITLED

AN ACT TO AID IN THE SUCCESSFUL REENTRY OF INCARCERATED PERSONS INTO SOCIETY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 15A-173.2(b) reads as rewritten:

"(b) Except as otherwise provided in G.S. 15A-173.3, the court may issue a Certificate of Relief if, after reviewing the petition, the individual's comprehensive criminal history as provided by the district attorney, any information provided by a victim under G.S. 15A-173.6 or the district attorney, and any other relevant evidence, it finds the individual has established by a preponderance of the evidence all of the following:

(1) ~~Twelve months have passed since the individual has completed his or her sentence. For purposes of this subdivision, an individual has not completed his or her sentence until the individual has served all of the active time, if any, imposed for each offense and has also completed any period of probation, post-release supervision, and parole related to the offense that is required by State law or court order.~~

...."

SECTION 1.(b) This section becomes effective October 1, 2023, and applies to Certificates of Relief granted on or after that date.

SECTION 2.(a) There is appropriated from the General Fund to the Department of Adult Correction the sum of one million dollars (\$1,000,000) in recurring funds in each year of the 2023-2025 fiscal biennium to be used to create and support five new Local Reentry Councils. The location of each Local Reentry Council created and supported under this subsection shall be determined by the Secretary of the Department of Adult Correction.

SECTION 2.(b) This section becomes effective July 1, 2023.

SECTION 3.(a) Part 5 of Article 16 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-1485. Basic Needs Fund.

(a) Establishment of Fund. – The Basic Needs Fund is established as a special revenue fund within the Department of Adult Correction. The Fund consists of General Fund appropriations, grants, devises, fees, and monies contributed by State and non-State entities for the purpose of providing stipends to individuals recently released from incarceration. The Fund shall be managed by the Division of Community Supervision and Reentry of the Department of Adult Correction.



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1 **(b) Use of Fund.** – Beginning January 1, 2024, the Division of Community Supervision
2 and Reentry shall provide all indigent individuals released from the custody of the Department
3 of Adult Correction with monthly stipends to be used for housing, food, clothing, and
4 transportation. Monthly stipends provided under this section shall be provided for no more than
5 six months following the release of an individual from the custody of the Department of Adult
6 Correction. The amount of each monthly stipend and the number of months the individual will
7 receive a stipend, if at all, will depend upon the individual's indigency and the availability of
8 funds within the Basic Needs Fund. No individual may receive more than three thousand dollars
9 (\$3,000), in total, from the Basic Needs Fund for each instance in which that individual is
10 released from the custody of the Department of Adult Correction.

11 **(c) Management of Fund.** – The Division of Community Supervision and Reentry shall
12 develop internal rules and regulations to implement the provisions of this section, including a
13 specific test for determining indigency. The internal rules and regulations developed pursuant to
14 this subsection shall be made publicly available and shall be posted on the Department of Adult
15 Correction website. The Division of Community Supervision and Reentry may utilize up to the
16 sum of one hundred thousand dollars (\$100,000) from the Basic Needs Fund in each fiscal year
17 to implement the provisions of this section.

18 **(d) Annual Reporting.** – No later than October 1 of each year in which stipends are
19 distributed from the Basic Needs Fund, the Division of Community Supervision and Reentry
20 shall report to the Joint Legislative Oversight Committee on Justice and Public Safety regarding
21 the general implementation of this section, the distribution of stipends from the Basic Needs
22 Fund, and the use of funds pursuant to subsection (c) of this section."

23 **SECTION 3.(b)** There is appropriated from the General Fund to the Basic Needs
24 Fund in the Department of Adult Correction the sum of one million dollars (\$1,000,000) in
25 recurring funds in each year of the 2023-2025 fiscal biennium to be used pursuant to the
26 provisions of G.S. 143B-1485, as enacted by this act.

27 **SECTION 3.(c)** This section becomes effective July 1, 2023.

28 **SECTION 4.(a)** G.S. 93B-2 reads as rewritten:

29 **"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to**
30 **report.**

31 ...

32 **(e)** No later than October 31 of each year, each State agency licensing board shall file
33 electronically with the Secretary of State, the Attorney General, and the Joint Legislative
34 Administrative Procedure Oversight Committee an annual report containing all of the following
35 information:

36 (1) The number of applicants for a license and, of that number, the number
37 granted a license.

38 (2) The number of applicants with a conviction record and, of that number, the
39 number granted a license, denied a license for any reason, and denied a license
40 because of a conviction. Of the applicants included under this subdivision, the
41 number of applicants who were granted or denied the issuance or renewal of
42 a license due to a conviction or criminal history that is characterized as
43 nonviolent.

44"

45 **SECTION 4.(b) Study; Report.** – The Labor and Economic Analysis Division of the
46 Department of Commerce (Division) shall collect the data sent in accordance with
47 G.S. 93B-2(e)(2), as amended by this act, from all occupational licensing boards and State agency
48 licensing boards and compile a report to be sent to the Joint Legislative Administrative Procedure
49 Oversight Committee (Committee) on how many qualified job applicants with nonviolent records
50 are denied issuance or renewal of licensure, registration, or certification due to prior criminal
51 convictions. The Division shall report its findings to the Committee no later than April 1, 2024,

1 and annually thereafter for three years. The Committee may report any additional data and any
2 legislative recommendations from the Division's study to the Regular Session of the 2025
3 General Assembly upon its convening and any subsequent convening of the General Assembly
4 after the receipt of a report from the Division in accordance with this section.

5 **SECTION 4.(c)** G.S. 93B-8.1 reads as rewritten:

6 "**§ 93B-8.1. Use of criminal history records.**

7 ...

8 (b) Unless federal law governing a particular board provides otherwise, a board may deny
9 an applicant on the basis of a conviction of a crime only if the board finds that the applicant's
10 criminal conviction history is directly related to the duties and responsibilities for the licensed
11 occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding
12 any other provision of law, a board shall not automatically deny licensure on the basis of an
13 applicant's criminal history, and no board may deny an applicant a license based on a
14 determination that a conviction is for a crime of moral ~~turpitude.~~ turpitude or a nonviolent crime.
15 The board shall make its determination based on the factors specified in subsection ~~(b1).~~(b1) of
16 this section.

17 ...

18 (b4) If a board requires an applicant to submit a criminal history record, the board shall
19 require the provider of the criminal history record to provide the applicant with access to the
20 applicant's criminal history record or otherwise deliver a copy of the criminal history record to
21 the applicant. If a board conducts a criminal history record check or a consumer report check, the
22 board must provide the applicant notice five business days prior to conducting the criminal
23 history record check or a consumer report check. Any consumer report check must be conducted
24 in compliance with the Fair Credit Reporting Act. If an applicant's criminal history includes
25 matters that will or may prevent the board from issuing a license to the applicant, the board shall
26 notify the applicant in writing of the specific issues in sufficient time for the applicant to provide
27 additional documentation supporting the application for consideration by the board prior to any
28 final decision to deny the application. After being notified of any potential issue with licensure
29 due to criminal conviction(s), an applicant shall have 30 days to respond by either correcting any
30 inaccuracy in the criminal history record or submitting evidence of mitigation or rehabilitation
31 for consideration by the board.

32"

33 **SECTION 4.(d)** Subsection (b) of this section is effective when it becomes law. The
34 remainder of this section becomes effective October 1, 2023, and applies to applications for or
35 denials or renewals of licenses, certifications, or registrations on or after that date.

36 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
37 law.