



CHAPTER 148

ARTICLE 3 - LABOR OF PRISONERS

N.C.G.S. § 148-33.1.

Sentencing, quartering, and control of prisoners with work-release privileges.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2021-180, s. 19C.9(o), (p) — twenty-fourth act in the lineage	21 September 2026, 04:15 UTC	9da15e953b3cbe1744cf2548 - d0cf11dcf807179fd2428409 - 454f66589103685e

§ 148-33.1(a)

Whenever a person is sentenced to imprisonment for a term to be served in the State prison system or a local confinement facility, the Secretary of the Department of Adult Correction may authorize the Director of Prisons or the custodian of the local confinement facility to grant work-release privileges to any inmate who is eligible for work release and who has not been granted work-release privileges by order of the sentencing court. The Secretary of the Department of Adult Correction shall authorize immediate work-release privileges for any person serving a sentence not exceeding five years in the State prison system and for whom the presiding judge shall have recommended work-release privileges when (i) it is verified that appropriate employment for the person is available in an area where, in the judgment of the Secretary, the Division of Prisons of the Department of Adult Correction has facilities to which the person may suitably be assigned, and (ii) custodial and correctional considerations would not be adverse to releasing the person without supervision into the free community.

§ 148-33.1(b)

Repealed by Session Laws 1981, c. 541, s. 2.

§ 148-33.1(c)

The Division of Prisons of the Department of Adult Correction shall from time to time, as the need becomes evident, designate and adapt facilities in the State prison system for quartering prisoners with work-release privileges. No State or county prisoner shall be granted work-release privileges by the Director of Prisons or the custodian

of a local confinement facility until suitable facilities for quartering him have been provided in the area where the prisoner has employment or the offer of employment.

§ 148-33.1(d)

The Secretary of the Department of Adult Correction is authorized and directed to establish a work-release plan under which an eligible prisoner may be released from actual custody during the time necessary to proceed to the place of his employment, perform his work, and return to quarters designated by the prison authorities. If the prisoner shall violate any of the conditions prescribed by prison rules and regulations for the administration of the work-release plan, then such prisoner may be withdrawn from work-release privileges, and the prisoner may be transferred to the general prison population to serve out the remainder of his sentence. Rules and regulations for the administration of the work-release plan shall be established in the same manner as other rules and regulations for the government of the State prison system.

§ 148-33.1(e)

The State Department of Labor shall exercise the same supervision over conditions of employment for persons working in the free community while serving sentences imposed under this section as the Department does over conditions of employment for free persons.

§ 148-33.1(f)

A prisoner who is convicted of a felony and who is granted work-release privileges shall give his work-release earnings, less standard payroll deductions required by law, to the Division of Prisons of the Department of Adult Correction. A prisoner who is convicted of a misdemeanor, is committed to a local confinement facility, and is granted work-release privileges by order of the sentencing court shall give his work-release earnings, less standard payroll deductions required by law, to the custodian of the local confinement facility. Other misdemeanants granted work-release privileges shall give their work-release earnings, less standard payroll deductions required by law, to the Division of Prisons of the Department of Adult Correction. The Division of Prisons of the Department of Adult Correction or the sentencing court, as appropriate, shall determine the amount to be deducted from a prisoner's work-release earnings to pay for the cost of the prisoner's keep and to accumulate a reasonable sum to be paid the prisoner when he is paroled or discharged from prison. The Division or sentencing court shall also determine the amount to be disbursed by the Division or clerk of court, as appropriate, for each of the following:

- (1) To pay travel and other expenses of the prisoner made necessary by his employment;

- (2) To provide a reasonable allowance to the prisoner for his incidental personal expenses;
- (3) To make payments for the support of the prisoner's dependents in accordance with an order of a court of competent jurisdiction, or in the absence of a court order, in accordance with a determination of dependency status and need made by the local department of social services in the county of North Carolina in which such dependents reside;
- (3a) To make restitution or reparation as provided in G.S. 148-33.2.
- (4) To comply with an order from any court of competent jurisdiction regarding the payment of an obligation of the prisoner in connection with any judgment rendered by the court.
- (5) To comply with a written request by the prisoner to withhold an amount, when the request has been granted by the Division or the sentencing court, as appropriate.

Any balance of his earnings remaining at the time the prisoner is released from prison shall be paid to him. The Social Services Commission is authorized to promulgate uniform rules and regulations governing the duties of county social services departments under this section.

§ 148-33.1(g) No prisoner employed in the free community under the provisions of this section shall be deemed to be an agent, employee, or involuntary servant of the State prison system while working in the free community or going to or from such employment.

§ 148-33.1(h) Any prisoner employed under the provisions of this section shall not be entitled to any benefits under Chapter 96 of the General Statutes entitled "Employment Security" during the term of the sentence.

§ 148-33.1(i) No recommendation for work release shall be made at the time of sentencing in any case in which the presiding judge shall suspend the imposition of sentence and place a convicted person on probation; however, if probation be subsequently revoked and the active sentence of imprisonment executed, the court may at that time recommend work release. Neither a recommendation for work release by the court or the decision of the Secretary of the Department of Adult Correction to place a person on work release shall give rise to any vested statutory right to an individual to be placed on or continued on work release.

The provisions of subsections (f), (g), and (h) of this section shall also apply to prisoners employed in private prison enterprises conducted pursuant to G.S. 148-70.

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

Amendment lineage

A horizontal timeline from 1957 to 2021. The timeline is marked with vertical ticks for each year. The years 1957, 1989, and 2021 are explicitly labeled. The timeline is divided into two main sections: the 1960s and the 1970s. The 1960s section is marked with ticks for 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, and 1970. The 1970s section is marked with ticks for 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021.

Nº	YEAR	ACT	CHARACTER
01	1957	c. 540	ENACTED
02	1959	c. 126	AMENDED
03	1961	c. 420	AMENDED
04	1963	c. 469, ss. 1, 2	AMENDED
05	1967	c. 684	AMENDED
06	1967	c. 996, s. 13	AMENDED
07	1969	c. 982	AMENDED
08	1973	c. 476, s. 138	AMENDED
09	1973	c. 1262, s. 10	AMENDED
10	1975	c. 22, ss. 1-3	AMENDED
11	1975	c. 679, s. 3	AMENDED
12	1977	c. 450, ss. 4, 5	AMENDED
13	1977	c. 614, s. 6	AMENDED
14	1977	c. 623, ss. 1, 2	AMENDED
15	1977	c. 711, s. 29	AMENDED
16	1977	2nd Sess., c. 1147, s. 32	AMENDED
17	1981	c. 541, ss. 1-3	AMENDED
18	1985	c. 474, s. 3	AMENDED
19	1985	1985 (Reg. Sess., 1986), c. 1014, s. 201(f)-(i)	AMENDED

20	1985	1991 (Reg. Sess., 1992), c. 902, s. 6	AMENDED
21	2011	S.L. 2011-145, s. 19.1(h), (i)	AMENDED
22	2012	S.L. 2012-83, s. 61	AMENDED
23	2017	S.L. 2017-186, ss. 2(yyyyyyy), 3(a)	AMENDED
24	2021	S.L. 2021-180, s. 19C.9(o), (p)	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 148-33.2	(f)(3a)	"restitution or reparation as provided in"
G.S. 148-70	(i)	"private prison enterprises conducted pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 148-33.1 (2021).

PINPOINT

N.C. Gen. Stat. § 148-33.1(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1957, c. 540; 1959, c. 126; 1961, c. 420; 1963, c. 469, ss. 1, 2; 1967, c. 684; c. 996, s. 13; 1969, c. 982; 1973, c. 476, s. 138; c. 1262, s. 10; 1975, c. 22, ss. 1-3; c. 679, s. 3; 1977, c. 450, ss. 4, 5; c. 614, s. 6; c. 623, ss. 1, 2; c. 711, s. 29; 1977, 2nd Sess., c. 1147, s. 32; 1981, c. 541, ss. 1-3; 1985, c. 474, s. 3; 1985 (Reg. Sess., 1986), c. 1014, s. 201(f)-(i); 1991 (Reg. Sess., 1992), c. 902, s. 6; 2011-145, s. 19.1(h), (i); 2012-83, s. 61; 2017-186, ss. 2(yyyyyyy), 3(a); 2021-180, s. 19C.9(o), (p).)

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