



CHAPTER 148
ARTICLE 1 - ORGANIZATION AND MANAGEMENT

N.C.G.S. § 148-4.

Control and custody of prisoners;
authorizing prisoner to leave place of conf -
inement.

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-second act in the lineage	21 September 2026, 02:49 UTC	f7f1f7fa91483ba61e370b96 - d49a5b7a57eb7fe2205155b0 - d815ffb8969a3cf0

The Secretary of the Department of Adult Correction shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the Division of Prisons of the Department of Adult Correction, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Secretary of the Department of Adult Correction or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Secretary shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered. Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Secretary of the Department of Adult Correction for the purpose of maintaining control and custody of prisoners who may be placed under the supervision and control of such employees, including guarding and transferring such prisoners from place to place in the State as their duties might require, and apprehending and arresting escaped prisoners and returning them to prison. The governing authorities of the State prison system are authorized to determine by rules and regulations the manner of designating these agents and placing prisoners under their supervision and control, which rules and regulations shall be established in the same manner as other rules and regulations for the government of the State prison system.

The Secretary of the Department of Adult Correction may extend the limits of the place of confinement of a prisoner, as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to

Contact prospective employers; or

Secure a suitable residence for use when released on parole or upon discharge; or

Obtain medical services not otherwise available; or

Participate in a training program in the community; or

Visit or attend the funeral of a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person though not a natural parent, has acted in the place of a parent), brother, or sister; or

Participate in community-based programs of rehabilitation, including, but not limited to the existing community volunteer and home-leave programs, pre-release and after-care programs as may be provided for and administered by the Secretary of the Department of Adult Correction and other programs determined by the Secretary of the Department of Adult Correction to be consistent with the prisoner's rehabilitation and return to society; or

Be on maternity leave, for a period of time not to exceed 60 days. The county departments of social services are expected to cooperate with officials at the North Carolina Correctional Center for Women to coordinate prenatal care, financial services, and placement of the child; or

Receive palliative care, only in the case of a terminally ill inmate or a permanently and totally disabled inmate that the Secretary finds no longer poses a significant public safety risk, and only after consultation with any victims of the inmate or the victims' families. For purposes of this subdivision, the term "terminally ill" describes an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that was unknown at the time of sentencing and was not diagnosed upon entry to prison, that will likely produce death within six months, and that is so debilitating that it is highly unlikely that the inmate poses a significant public safety risk. For purposes of this subdivision, the term "permanently and totally disabled" describes an inmate who, as determined by a licensed physician, suffers from permanent and irreversible physical incapacitation as a result of an existing physical or medical condition that was unknown at the time of sentencing and was not diagnosed upon entry to prison, and that is so incapacitating that it is highly unlikely that the inmate poses a significant public safety risk. The Department's medical director shall notify the Secretary immediately when an inmate has been classified as terminally ill and shall provide regular reports on inmates classified as permanently and totally disabled. The Secretary shall act expeditiously in determining whether to extend the limits of confinement under this subdivision upon receiving notice that an inmate has been classified as terminally ill or permanently and totally disabled and,

in the case of a terminally ill inmate, the Secretary shall make a good faith effort to reach a determination within 30 days of receiving notice of the inmate's terminal condition.

The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to the place of confinement designated by the Secretary of the Department of Adult Correction, shall be deemed an escape from the custody of the Secretary of the Department of Adult Correction punishable as provided in G.S. 148-45.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
22 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1901	c. 472, s. 4	ENACTED
02	Rev.	s. 5390	RECODIFIED
03	C.S.	s. 7706	RECODIFIED
04	1925	c. 163	AMENDED
05	1933	c. 172, ss. 5, 18	AMENDED
06	1935	c. 257, s. 2	AMENDED
07	1943	c. 409	AMENDED
08	1955	c. 238, s. 2	AMENDED
09	1957	c. 349, s. 10	AMENDED
10	1959	c. 109	AMENDED
11	1965	c. 1042	AMENDED
12	1967	c. 996, ss. 13, 15	AMENDED
13	1973	c. 902	AMENDED
14	1973	c. 1262, s. 10	AMENDED
15	1977	c. 704, s. 5	AMENDED
16	1985	c. 483	AMENDED

17	2001	S.L. 2001-424, s. 25.9(a)	AMENDED
18	2005	S.L. 2005-276, s. 17.13	AMENDED
19	2011	S.L. 2011-145, s. 19.1(h), (i)	AMENDED
20	2012	S.L. 2012-83, s. 61	AMENDED
21	2017	S.L. 2017-186, s. 2(vvvvvv)	AMENDED
22	2021	S.L. 2021-180, s. 19C.9(o), (p)	AMENDED

APPARATUS II
1 AUTHORITY

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. 148-45		"Adult Correction punishable as provided in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 148-4 (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

(1901, c. 472, s. 4; Rev., s. 5390; C.S., s. 7706; 1925, c. 163; 1933, c. 172, ss. 5, 18; 1935, c. 257, s. 2; 1943, c. 409; 1955, c. 238, s. 2; 1957, c. 349, s. 10; 1959, c. 109; 1965, c. 1042; 1967, c. 996, ss. 13, 15; 1973, c. 902; c. 1262, s. 10; 1977, c. 704, s. 5; 1985, c. 483; 2001-424, s. 25.9(a); 2005-276, s. 17.13; 2011-145, s. 19.1(h), (i); 2012-83, s. 61; 2017-186, s. 2(vvvvvv); 2021-180, s. 19C.9(o), (p).)

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