

The Weekly Legislative Summary

This is another of a series of weekly summaries prepared by the legislative staff of the Institute of Government on the work of the North Carolina General Assembly of 1969. It is confined to discussions of matters of general interest.

Reducing the Numbers of Persons In Jail: The commission found that jails have become a dumping ground for persons who should be kept elsewhere, for the good of both the individuals involved and of society in general. With the state's Department of Correction available for persons sentenced to imprisonment for a month or longer, the commission reasoned that local jails should be used mainly for persons awaiting trial. The same use of the Department of Correction could be made for prisoners appealing their convictions, but who must now wait out the long appeal period in local jails (S324). Mentally ill persons who have committed no crime are sometimes cooped up in jail-houses until state mental institutions can make room for them. Public hospitals could be used for this purpose and more humanely, without further damaging unstable personalities (S-328). Alcoholics are another group that jails cannot help but who might

receive some help in state institutions (S334). The commission also found that many persons who could be relied upon to appear for trial are not released until trial because they cannot raise their bail. By giving these persons summonses instead of arresting them, or by releasing them on their promise to appear for trial, another large number of persons who do not have to be in jail would be spared that experience (S337).

Reducing the Time Persons Spend In Jail: Persons in jail must sometimes wait many months for trial, either because court is held infrequently or because of heavy docket loads. If jailed persons were allowed to be tried ahead of persons free on bail, and if persons jailed in counties with infrequent court terms could request an earlier trial in a nearby county, such long waits could be cut and justice could be served sooner (S332, 333).

Improving the Correctional Function of Jails: The commission found that limited funds and the relatively short stays of many prisoners prevent local jails from attempting to rehabilitate their prisoners. Jails could take action, however, to minimize the harmful effects on prisoners that jail stays often have. Such effects occur

because many jails are too small or are overcrowded, so that incompatible types of prisoners are placed next to each other. The commission recommended, therefore, that jails be prohibited from holding more than the number of prisoners they can adequately hold; that children and minor offenders be kept away from hardened criminals, and that women be kept out of the sight of male prisoners (S331, 336).

Improving State and Local Cooperation: Rather than recommend that local jails be placed under state control or that counties be required to form regional jails (although the latter was endorsed on a voluntary basis), the commission recommended greater cooperation between the state and local governments in working for better jails together. One way the commission felt this could be achieved would be by making the Jail and Detention Service (which checks on local jails to determine compliance with the state's minimum jail standards) part of the Department of Justice, since both agencies are concerned with law enforcement and together, could work more closely to improve it (329). Another way to improve cooperation would be by bringing local judges in earlier on the enforcement of minimum jail standards and by broadening the judges' discretionary authority in gaining improvement in jails (S323). A third way would separate local and state correctional functions more fully by gradually eliminating county-operated prison farms and houses of correction (S335). Finally, the state would appropriate money to use as grants-in-aid to help counties bring up their jail to the levels required by the state's minimum standards.

A Review of Recent Developments: An inventory of the legislative ladder taken as recently as March 21st prompted two main observations: (1) that the volume of public bills and public (or statewide) legislation this session is about on a par with the experience of recent legislative sessions, but (2) that there were a number of empty places in the cupboard, representing anticipated major proposals that had not yet been introduced in bill form. Particularly prominent for their absence at that time were several significant administration-backed measures for

reorganization of state agencies, and bills to implement several study commission reports. Developments of the past two weeks have now largely filled these gaps.

Six bills were introduced last week and this week to carry out administration sponsored reorganizations of state agencies. S343 (H529) would substitute for the present five-member State ABC Board, and career executive director, a full-time chairman and three-member board — a measure probably traceable to political differences between incumbent board members and Governor Scott. S302 (H485) would balloon the State Highway Commission from its present 14-member composition to 23 members, incidentally eliminating a requirement that each highway commissioner reside within the highway district he represents. This bill continues a trend toward increasing size for the SHC that was begun in the Moore administration. S293 (H452) carries out some of the recommendations of the Conservation and Development Study Commission, supported by the administration. It would increase the size of the C & D Board from 24 to 27 members; would authorize the designation of one or more deputy directors for the department, and would enjoin the Governor to allocate C & D Board memberships equitably among persons representative of the respective points of view of conservationists. **Continued on Page Six**

Vets Corner

authoritative answers by the Veterans Administration to some of the many current questions from former servicemen and their families. Further information on veterans benefits may be obtained at any VA office.

Q. My aunt is the widow of a Spanish-American War veteran. She receives \$70 a month pension from the Veterans Administration. However, a friend of hers, who is also a Spanish-American War veteran's widow, receives \$75 a month from the VA. Why the difference?

A. The \$75 check goes to the widow of a Spanish-American War veteran who was married to the veteran during all or part of that war. The widow, such as your aunt, apparently, who married such a veteran after the war receives the \$70 monthly check.

Q. I was awarded a pension from the Veterans Administration last year. My wife and I are planning to sell our home and move to Florida. Will the profit I receive on the sale of the home affect my pension?

A. Not directly. Proceeds from the sale of property are not considered income for veterans under the present pension law. However, you are advised to notify VA of the sale because net worth is also a consideration under the pension law in determining pension entitlement. While you live in the home its value is not reportable as part of your net worth, but when you convert it to cash, the cash is considered part of net worth. For further information and assistance in this matter, check with your nearest VA office.

So. Security Questions-Answers

Q. I will be 65 next year, but have no plans to retire. Am I eligible for Medicare?

A. Yes. You can qualify for Medicare benefits even though you have not retired. You should contact the social security office about three months before you are 65 and file your application. If possible, you should bring your social security number and the best proof of your age that you have available.

Q. I am 22 years old and

was in an automobile accident. Doctors have told me that I will never walk again. I have worked for the past two years. Can I receive social security disability benefits?

A. A recent change in the social security law permits payments to young disabled workers. In some cases, as little as one and one-half years of covered earnings are needed. You should get in touch with the nearest social security office as soon as possible to determine if benefits can be paid to you.

A Thought to Remember

By MARVIN BARHAM



We overheard a remark the other day when a person was saying: "He took a mighty hard fall . . . but he bounced right back onto his feet." You know that is one of the greatest compliments that can be said of a man. . . . He bounced right back onto his feet. . . . There are few among us who do not at one time or another stumble and fall as we weave our way through the briarpatch of life. Often we are innocent victims of fate . . . sometimes our misfortunes are of a nature which lays the blame squarely on our own shoulders.

Whatever the nature of our fall, there is a great amount of respect and glory in the ability to rise again.

Many years ago, from the pen of Oliver Goldsmith, came these words:

"Our greatest glory consists not in never failing . . . but in rising every time we fall . . ."

As we recall the remark being made of the one bouncing back onto his feet . . . there was no mention of courage . . . or strength . . . or glory, but it was there—it is always there.

Our thought to remember: "IT IS THROUGH COURAGE AND STRENGTH — THE FALLEN RISE AGAIN."

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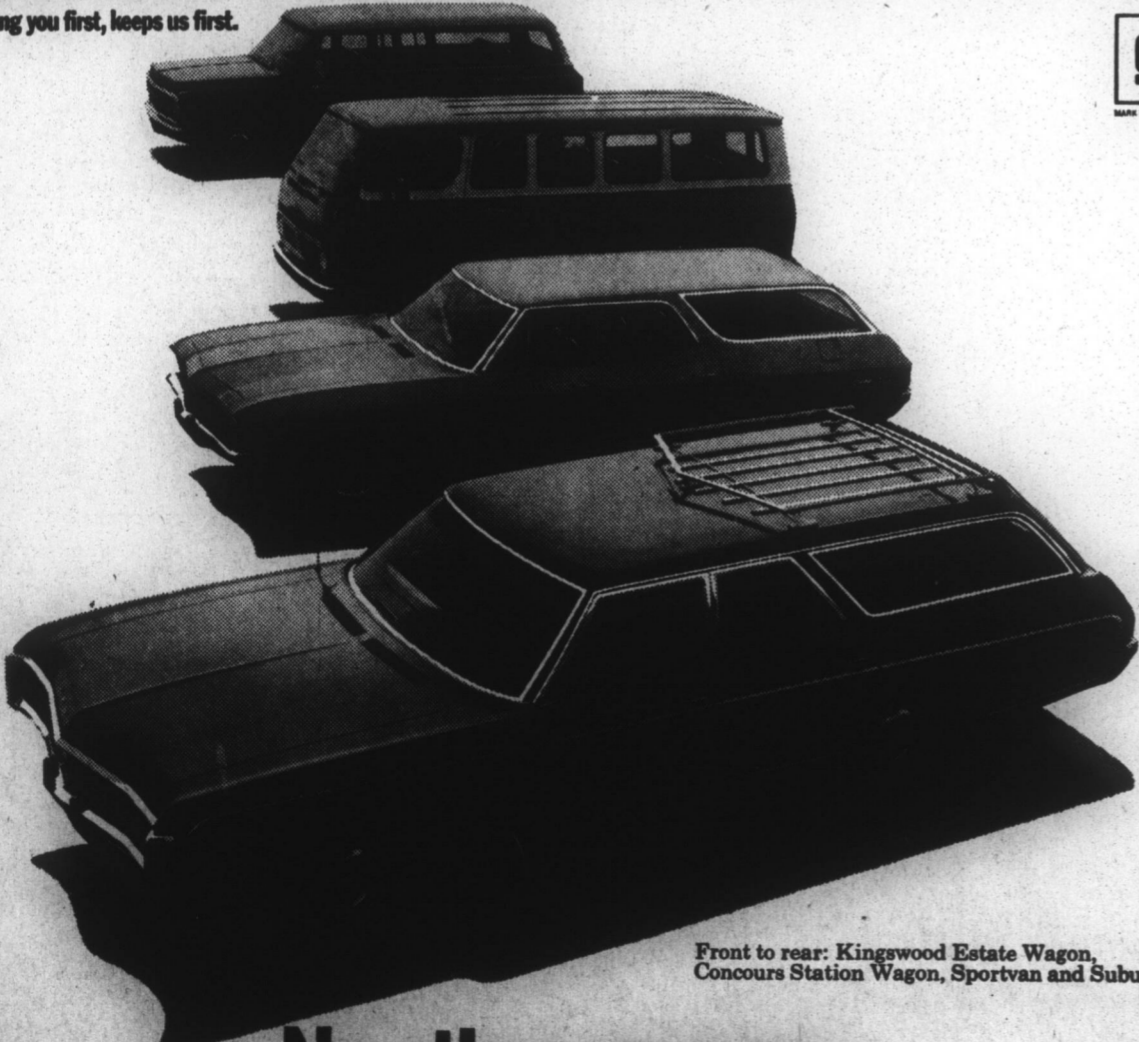


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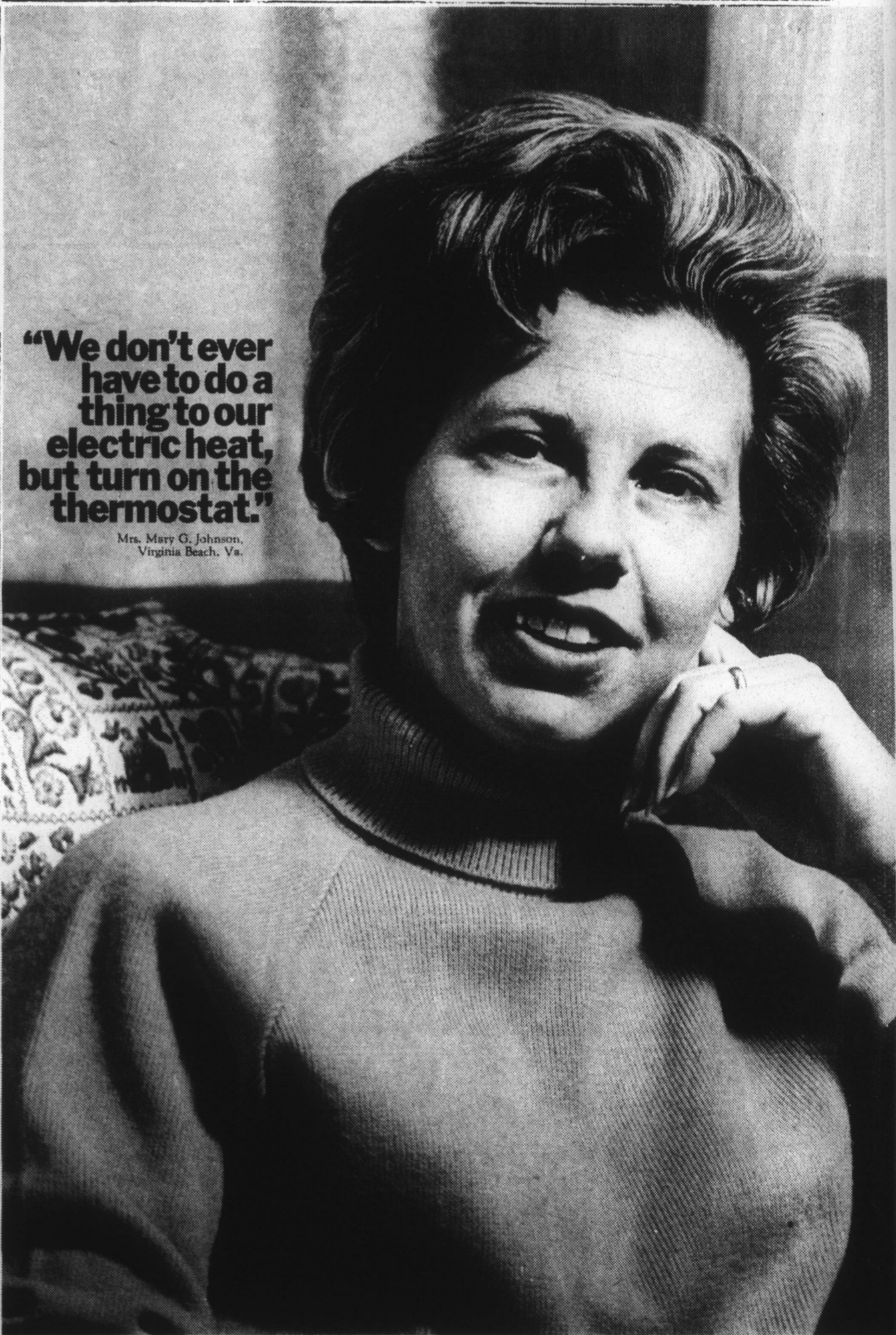
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Mrs. Mary G. Johnson, Virginia Beach, Va.



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home for more than two and a half years, do you find that it's easier to keep clean?

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What about your husband? How does your husband like your electric heating system?

"My husband especially likes it because when he comes home in the evening—he doesn't have to do a thing to the heating system."

What about noise?

"Oh, no. Once in a while I can hear a thermostat click, but nobody else hears it."

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