

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** 20 April 2016  
**SUBJECT:** Jail contraband ordinance  
**PRESENTER:** Jason Smith/Lt. Tim Fuss  
**ATTACHMENT(S):** Proposed ordinance

**SUMMARY OF REQUEST:**

Henderson County Detention Facility officers have noted the need for the ability to keep a tighter rein on items which are attempted to be passed to confinees in the facility. Henderson County Sheriff's Office Staff Attorney Jason Smith as drafted a proposed ordinance to deal with this situation.

County staff will present further information on this matter.

**BOARD ACTION REQUESTED:**

Adoption of the ordinance.

If the Board is so inclined, the following motion is suggested:

***I move that the Board adopt the Jail Contraband Ordinance.***

**Chapter 24**  
**General Offenses**

**Article I. Contraband**

**§ 24-1. Title.**

This Article I shall be referred to as the "Henderson County Detainee Contraband Ordinance."

**§ 24-2. Prohibition against Contraband for County Detainees.**

A. It shall be unlawful to provide, bring, deliver, pass or otherwise make available to any person who is in the custody of the Sheriff of Henderson County, or to attempt to do so, any item or substance forbidden by the rules and/or policies of the Sheriff when such rules and/or policies have been published by the Sheriff on the Sheriff's website and in the main lobby of the Henderson County Detention Center.

B. It shall be unlawful for any person in the custody of the Sheriff of Henderson County to possess any item or substance forbidden by the rules and/or policies of the Sheriff when such rules and/or policies have been published by the Sheriff on the Sheriff's website and in the main lobby and the booking area of the Henderson County Detention Center, or have been otherwise provided or communicated to the detainee.

**§ 24-3. Confiscation of Contraband from Detainees.**

Any item or substance which a person in the custody of the Sheriff of Henderson County is prohibited from possessing by state law or which is not authorized by the rules and/or policies of the Sheriff, when found in the possession of a detainee, may be confiscated and disposed of in accordance with all applicable North Carolina and/or Federal laws.

**§ 24-4. Limitation.**

Nothing in this Article shall be construed to limit the attorney-client privilege as it exists or may hereafter exist under North Carolina and/or Federal law or to limit the provisions of Article 48 of Chapter 15A of the North Carolina General Statutes or any other laws pertaining to a defendant's right to discovery in criminal cases.