

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1414*
PROPOSED COMMITTEE SUBSTITUTE H1414-PCS10918-LB-41

Short Title: The Youth Accountability Act.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO DEFINE DELINQUENT JUVENILE AS A JUVENILE WHO IS BETWEEN SIX YEARS OF AGE AND EIGHTEEN YEARS OF AGE WHO COMMITS A CRIME OR INFRACTION AND TO ESTABLISH A TASK FORCE FOR IMPLEMENTATION OF THE YOUTH ACCOUNTABILITY ACT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective June 30, 2012, G.S. 7B-1501(7) reads as rewritten:

"(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~16~~16½ years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, ~~including~~excluding violation of the motor vehicle ~~laws~~laws, or (ii) while less than 16 years of age but at least 6 years of age, commits a crime or infraction involving violation of the motor vehicle laws under State law or under an ordinance of local government."

SECTION 1.(b) Effective June 30, 2013, G.S. 7B-1501(7), as amended by subsection 1(a) of this act, reads as rewritten:

"(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~16½~~17 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws, or (ii) while less than 16 years of age but at least 6 years of age, commits a crime or infraction involving violation of the motor vehicle laws under State law or under an ordinance of local government."

SECTION 1.(c) Effective June 30, 2014, G.S. 7B-1501(7), as amended by subsection 1(b) of this act, reads as rewritten:

"(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~17½~~17½ years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws, or (ii) while less than 16 years of age but at least 6 years of age, commits a crime or infraction involving violation of the motor vehicle laws under State law or under an ordinance of local government."

SECTION 1.(d) Effective June 30, 2015, G.S. 7B-1501(7), as amended by subsection 1(c) of this act, reads as rewritten:

"(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~17½~~18 years of age but at least 6 years of age, commits a crime or infraction under State



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1 law or under an ordinance of local government, excluding violation of the
2 motor vehicle laws, or (ii) while less than 16 years of age but at least 6 years
3 of age, commits a crime or infraction involving violation of the motor
4 vehicle laws under State law or under an ordinance of local government."

5 **SECTION 2.(a)** Effective June 30, 2012, G.S. 143B-515(7) reads as rewritten:

6 "(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~16-16 ½~~ years
7 of age but at least 6 years of age, commits a crime or infraction under State
8 law or under an ordinance of local government, ~~including~~excluding violation
9 of the motor vehicle ~~laws-laws~~, or (ii) while less than 16 years of age but at
10 least 6 years of age, commits a crime or infraction involving violation of the
11 motor vehicle laws under State law or under an ordinance of local
12 government."

13 **SECTION 2.(b)** Effective June 30, 2013, G.S. 143B-515(7), as amended by
14 subsection 2(a) of this act, reads as rewritten:

15 "(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~16 ½-17~~ years
16 of age but at least 6 years of age, commits a crime or infraction under State
17 law or under an ordinance of local government, excluding violation of the
18 motor vehicle laws, or (ii) while less than 16 years of age but at least 6 years
19 of age, commits a crime or infraction involving violation of the motor
20 vehicle laws under State law or under an ordinance of local government."

21 **SECTION 2.(c)** Effective June 30, 2014, G.S. 143B-515(7), as amended by
22 subsection 2(b) of this act, reads as rewritten:

23 "(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~17-17 ½~~ years of
24 age but at least 6 years of age, commits a crime or infraction under State law
25 or under an ordinance of local government, excluding violation of the motor
26 vehicle laws, or (ii) while less than 16 years of age but at least 6 years of
27 age, commits a crime or infraction involving violation of the motor vehicle
28 laws under State law or under an ordinance of local government."

29 **SECTION 2.(d)** Effective June 30, 2015, G.S. 143B-515(7), as amended by
30 subsection 2(c) of this act, reads as rewritten:

31 "(7) Delinquent juvenile. – Any juvenile who, (i) while less than ~~17 ½-18~~ years
32 of age but at least 6 years of age, commits a crime or infraction under State
33 law or under an ordinance of local government, excluding violation of the
34 motor vehicle laws, or (ii) while less than 16 years of age but at least 6 years
35 of age, commits a crime or infraction involving violation of the motor
36 vehicle laws under State law or under an ordinance of local government."

37 **SECTION 3.(a)** Effective June 30, 2012, G.S. 7B-1601(d) reads as rewritten:

38 "(d) When the court has not obtained jurisdiction over a juvenile before the juvenile
39 reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly
40 committed on or after the juvenile's thirteenth birthday and prior to the ~~juvenile's sixteenth~~
41 ~~birthday, juvenile attaining the age of 16 ½ years,~~ the court has jurisdiction for the sole purpose
42 of conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case
43 to superior court for trial as an adult or dismissing the petition."

44 **SECTION 3.(b)** Effective June 30, 2013, as amended by subsection 3(a) of this
45 act, G.S. 7B-1601(d) reads as rewritten:

46 "(d) When the court has not obtained jurisdiction over a juvenile before the juvenile
47 reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly
48 committed on or after the juvenile's thirteenth birthday and prior to the ~~juvenile attaining the~~
49 ~~age of 16 ½ years, juvenile's seventeenth birthday,~~ the court has jurisdiction for the sole
50 purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring
51 the case to superior court for trial as an adult or dismissing the petition."

1 **SECTION 3.(c)** Effective June 30, 2014, as amended by subsection 3(b) of this act,
2 G.S. 7B-1601(d) reads as rewritten:

3 "(d) When the court has not obtained jurisdiction over a juvenile before the juvenile
4 reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly
5 committed on or after the juvenile's thirteenth birthday and prior to the ~~juvenile's seventeenth~~
6 ~~birthday, juvenile attaining the age of 17 ½ years,~~ the court has jurisdiction for the sole purpose
7 of conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case
8 to superior court for trial as an adult or dismissing the petition."

9 **SECTION 3.(d)** Effective June 30, 2015, G.S. 7B-1601(d) as amended by
10 subsection 3(c) of this act, reads as rewritten:

11 "(d) When the court has not obtained jurisdiction over a juvenile before the juvenile
12 reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly
13 committed on or after the juvenile's thirteenth birthday and prior to the ~~juvenile attaining the~~
14 ~~age of 17 ½ years, juvenile's eighteenth birthday,~~ the court has jurisdiction for the sole purpose
15 of conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case
16 to superior court for trial as an adult or dismissing the petition."

17 **SECTION 4.(a)** Effective June 30, 2012, G.S. 7B-1604(a) reads as rewritten:

18 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
19 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~ juvenile attaining the
20 age of 16 ½ years is subject to prosecution as an adult. A juvenile who is emancipated shall be
21 prosecuted as an adult for the commission of a criminal offense."

22 **SECTION 4.(b)** Effective June 30, 2013, as amended by subsection 4(a) of this
23 act, G.S. 7B-1604(a) reads as rewritten:

24 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
25 commits a criminal offense on or after the ~~juvenile attaining the age of 16 ½ years~~ juvenile's
26 seventeenth birthday is subject to prosecution as an adult. A juvenile who is emancipated shall
27 be prosecuted as an adult for the commission of a criminal offense."

28 **SECTION 4.(c)** Effective June 30, 2014, G.S. 7B-1604(a), as amended by
29 subsection 4(b) of this act, reads as rewritten:

30 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
31 commits a criminal offense on or after the ~~juvenile's seventeenth birthday~~ juvenile attaining the
32 age of 17½ years is subject to prosecution as an adult. A juvenile who is emancipated shall be
33 prosecuted as an adult for the commission of a criminal offense."

34 **SECTION 4.(d)** Effective June 30, 2015, G.S. 7B-1604(a), as amended by
35 subsection 4(c) of this act, reads as rewritten:

36 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
37 commits a criminal offense on or after the ~~juvenile attaining the age of 17 ½ years~~ juvenile's
38 eighteenth birthday is subject to prosecution as an adult. A juvenile who is emancipated shall
39 be prosecuted as an adult for the commission of a criminal offense."

40 **SECTION 5.(a)** Task Force Established. – There is established within the
41 Department of Juvenile Justice and Delinquency Prevention the Task Force for the
42 Implementation of the Youth Accountability Act. The Department of Juvenile Justice and
43 Delinquency Prevention shall provide professional and clerical staff and other services and
44 supplies, including meeting space, as needed for the Task Force to carry out its duties in an
45 effective manner.

46 **SECTION 5.(b)** Membership. – The Task Force shall consist of 21 members. The
47 following members or their designees shall serve as ex officio members:

- 48 (1) The Secretary of the Department of Juvenile Justice and Delinquency
49 Prevention.
- 50 (2) The Director of the Administrative Office of the Courts.
- 51 (3) The Secretary of the Department of Health and Human Services.

- 1 (4) The Secretary of the Department of Correction.
- 2 (5) The Secretary of the Department of Crime Control and Public Safety.
- 3 (6) The Superintendent of Public Instruction.
- 4 (7) The Executive Director of the North Carolina Human Relations Commission
- 5 of the Department of Administration.
- 6 (8) The Juvenile Defender in the Office of Indigent Defense.
- 7 The remaining members shall be appointed as follows:
- 8 (1) Three members of the House of Representatives appointed by the Speaker of
- 9 the House of Representatives.
- 10 (2) One public member appointed by the Speaker of the House of
- 11 Representatives.
- 12 (3) Three members of the Senate appointed by the President Pro Tempore of the
- 13 Senate.
- 14 (4) One public member appointed by the President Pro Tempore of the Senate.
- 15 (5) Two chief court counselors, appointed by the Governor, one to be from a
- 16 rural county and one from an urban county.
- 17 (6) One representative from the Governor's Crime Commission, appointed by
- 18 the Governor.
- 19 (7) One representative from the North Carolina Sentencing and Policy Advisory
- 20 Commission, appointed by the Governor.
- 21 (8) One representative from the North Carolina Human Relations Commission
- 22 of the Department of Administration, appointed by the Governor.

23 Appointments to the Task Force shall be made no later than September 1, 2009. A
24 vacancy in the Task Force or a vacancy as chair of the Task Force resulting from the
25 resignation of a member or otherwise shall be filled in the same manner in which the original
26 appointment was made.

27 **SECTION 5.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and
28 the Speaker of the House of Representatives shall each designate one member to serve as
29 cochair of the Task Force.

30 The cochairs shall call the initial meeting of the Task Force on or before October 1,
31 2009. The Task Force shall subsequently meet upon such notice and in such manner as its
32 members determine. A majority of the members of the Task Force shall constitute a quorum.

33 **SECTION 5.(d)** Expenses of Members. – Members of the Task Force shall receive
34 per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6,
35 as appropriate.

36 **SECTION 5.(e)** The Office of the Governor shall provide staff to the Task Force at
37 the request of the Task Force.

38 **SECTION 5.(f)** Cooperation by Government Agencies. – The Task Force may call
39 upon any department, agency, institution, or officer of the State or any political subdivision
40 thereof for facilities, data, or other assistance.

41 **SECTION 5.(g)** Duties of Task Force. – The Task Force shall develop a plan of
42 implementation to expand the jurisdiction of the Department of Juvenile Justice and
43 Delinquency Prevention to include persons 16 and 17 years of age who commit crimes or
44 infractions other than those relating to motor vehicles. In particular, the Task Force shall
45 consider:

- 46 (1) The costs to the State court system and State and local law enforcement.
- 47 (2) The relevant State laws that should be conformed or amended as a result of
- 48 revising the definition of delinquent juvenile to include 16- and 17-year-old
- 49 persons, including the motor vehicle and criminal laws, the laws regarding
- 50 expunction of criminal records, and other juvenile laws. The Task Force

- 1 shall make recommendations to the General Assembly regarding proposed
2 legislative amendments.
- 3 (3) Best practices and developing proposals to eliminate the racial disparity in
4 complaints, commitments, community program availability, utilization and
5 success rates, and other key decision and impact points in the juvenile justice
6 process.
- 7 (4) Proposals regarding community programs that would provide rehabilitative
8 services to juveniles in a treatment-oriented environment and incorporate
9 best practices as recommended in subdivision (3) of this subsection.
- 10 (5) The total cost of expanding the jurisdiction of the Department of Juvenile
11 Justice and Delinquency Prevention to include persons who are 16 and 17
12 years of age who commit crimes or infractions under State law or under an
13 ordinance of local government.
- 14 (6) Any other related issues that the Task Force considers necessary.

15 **SECTION 5.(h)** Consultation. – The Task Force shall consult with appropriate
16 State departments, agencies, and board representatives on issues related to juvenile justice
17 administration.

18 **SECTION 5.(i)** Report. – The Task Force shall submit an interim report to the
19 2010 Regular Session of the 2009 General Assembly, with copies to the Joint Legislative
20 Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the
21 Appropriations Subcommittees on Justice and Public Safety of both houses and shall submit a
22 final report of its findings and recommendations, including legislative, administrative, and
23 funding recommendations, by January 15, 2011, to the General Assembly, the Governor, and
24 the citizens of the State. The Task Force shall terminate upon filing its final report.

25 **SECTION 5.(j)** Funding. – The Task Force may apply for, receive, and accept
26 grants of non-State funds or other contributions as appropriate to assist in the performance of
27 its duties. The Department of Juvenile Justice and Delinquency Prevention may also use funds
28 appropriated to it to carry out the study and devise the implementation plan.

29 **SECTION 6.** Sections 1 through 4 of this act become effective December 1, 2011,
30 and apply to acts or offenses committed on or after that date. The remainder of this act is
31 effective when it becomes law.