

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 853*
PROPOSED SENATE COMMITTEE SUBSTITUTE H853-PCS80401-RK-148

Short Title: End Ct. Orders/Est. Local Intake Procedures.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1803(a) reads as rewritten:

"(a) All complaints concerning a juvenile alleged to be delinquent or undisciplined shall be referred to the juvenile court counselor for screening and evaluation. Thereafter, if the juvenile court counselor determines that a petition should be filed, the petition shall be drawn by the juvenile court counselor or the clerk, signed by the complainant, and verified before an official authorized to administer oaths. If the circumstances indicate a need for immediate attachment of jurisdiction and if the juvenile court counselor is out of the county or otherwise unavailable to receive a complaint and to draw a petition when it is needed, the clerk shall assist the complainant in communicating the complaint to the juvenile court counselor by telephone and, with the approval of the juvenile court counselor, shall draw a petition and file it when signed and verified. A copy of the complaint and petition shall be transmitted to the juvenile court counselor. ~~Procedures for receiving delinquency and undisciplined complaints and drawing petitions thereon, consistent with this Article and Article 17 of this Chapter, shall be established by administrative order of the chief judge in each judicial district.~~"

SECTION 2. G.S. 153A-221.1 reads as rewritten:

"§ 153A-221.1. Standards and inspections.

The legal responsibility of the ~~Secretary of Health and Human Services and the Social Services Commission~~ Chief Deputy Secretary of Juvenile Justice of the Department of Public Safety for State services to county juvenile detention homes under this Article is hereby confirmed and shall include the following: development of State standards under the prescribed procedures; inspection; consultation; technical assistance; and training.

The Secretary of Health and Human ~~Services~~ Services, in consultation with the Chief Deputy Secretary of Juvenile Justice of the Department of Public Safety, shall also develop standards under which a local jail may be approved as a holdover facility for not more than five



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1 calendar days pending placement in a juvenile detention home which meets State standards,
2 providing the local jail is so arranged that any child placed in the holdover facility cannot
3 converse with, see, or be seen by the adult population of the jail while in the holdover facility.
4 The personnel responsible for the administration of a jail with an approved holdover facility
5 shall provide close supervision of any child placed in the holdover facility for the protection of
6 the child."

7 **SECTION 3.** G.S. 7B-1903(b)(7) and (8) read as rewritten:

8 "(7) The juvenile is alleged to be undisciplined by virtue of the juvenile's being a
9 runaway and is inappropriate for nonsecure custody placement or refuses
10 nonsecure custody, and the court finds that the juvenile needs secure custody
11 for up to 24 hours, excluding Saturdays, Sundays, and State holidays, ~~or~~
12 ~~where circumstances require, for a period not to exceed 72 hours to evaluate~~
13 ~~the juvenile's need for medical or psychiatric treatment or to facilitate~~
14 ~~reunion with the juvenile's parents, guardian, or custodian.~~

15 (8) The juvenile is alleged to be undisciplined and has willfully failed to appear
16 in court after proper notice; the juvenile shall be brought to court as soon as
17 possible and in no event should be held more than 24 hours, excluding
18 Saturdays, Sundays, and State holidays ~~or where circumstances require for a~~
19 ~~period not to exceed 72 hours.~~holidays."

20 **SECTION 4.** G.S. 7B-1905(b) reads as rewritten:

21 "(b) Pursuant to G.S. 7B-1903(b), (c), or (d), a juvenile may be temporarily detained in
22 an approved detention facility which shall be separate from any jail, lockup, prison, or other
23 adult penal institution, except as provided in subsection (c) of this section. It shall be unlawful
24 for a county or any unit of government to operate a juvenile detention facility unless the facility
25 meets the standards and rules adopted by the Department of ~~Health and Human Services.~~Public
26 Safety."

27 **SECTION 5.** G.S. 7B-2505 reads as rewritten:

28 "~~§ 7B-2505. Contempt of court for undisciplined juveniles.~~Violation of protective
29 supervision by undisciplined juvenile.

30 ~~Upon motion of the juvenile court counselor or on the court's own motion, the court may~~
31 ~~issue an order directing a juvenile who has been adjudicated undisciplined to appear and show~~
32 ~~cause why the juvenile should not be held in contempt for willfully failing to comply with an~~
33 ~~order of the court. The first time the juvenile is held in contempt, the court may order the~~
34 ~~juvenile confined in an approved detention facility for a period not to exceed 24 hours. The~~
35 ~~second time the juvenile is held in contempt, the court may order the juvenile confined in an~~
36 ~~approved detention facility for a period not to exceed three days. The third time and all~~
37 ~~subsequent times the juvenile is held in contempt, the court may order the juvenile confined in~~
38 ~~an approved detention facility for a period not to exceed five days. The timing of any~~
39 ~~confinement under this section shall be determined by the court in its discretion. In no event~~
40 ~~shall a juvenile held in contempt pursuant to this section be confined for more than 14 days in~~
41 ~~one 12-month period.~~

42 (a) On motion of the juvenile court counselor or the juvenile, or on the court's own
43 motion, the court may review the progress of any juvenile on protective supervision at any time
44 during the period of protective supervision. When the motion is filed during the period of
45 protective supervision and either alleges a violation of protective supervision or seeks an
46 extension of protective supervision as permitted by G.S. 7B-2503(2), the court's review may
47 occur within a reasonable time after the period of protective supervision ends, and the court
48 shall have jurisdiction to enter an order under this section. The conditions or duration of
49 protective supervision may be modified only as provided in this Subchapter and only after
50 notice and a hearing.

1 (b) If the court, after notice and a hearing, finds by the greater weight of the evidence
2 that the juvenile has violated the conditions of protective supervision set by the court, the court
3 may do one or more of the following:

4 (1) Continue or modify the conditions of protective supervision.

5 (2) Order any disposition authorized by G.S. 7B-2503.

6 (3) Notwithstanding the time limitation in G.S. 7B-2503(2), extend the period of
7 protective supervision for up to three months.

8 (4) Order the juvenile to submit to house arrest or electronic monitoring."

9 **SECTION 6.** Sections 3 and 5 of this act become effective October 1, 2012.

10 Section 4 of this act becomes effective January 1, 2013, and the remainder of this act is
11 effective when it becomes law.