

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 434
Judiciary I Committee Substitute Adopted 4/19/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S434-PCS15253-SA-88

Short Title: Juvenile Age to 18.

(Public)

Sponsors:

Referred to:

March 29, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE
3 AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF
4 AGE OVER A FOUR-YEAR PERIOD FOR SIXTEEN-AND
5 SEVENTEEN-YEAR-OLDS ALLEGED TO HAVE COMMITTED A MISDEMEANOR,
6 TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN
7 PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN
8 ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES
9 RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND
10 TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.(a)** Effective July 1, 2016, G.S. 7B-1501(7) reads as rewritten:

13 "(7) Delinquent juvenile. –

14 a. Any juvenile who, while less than 16 years of age but at least 6 years
15 of age, commits a crime or infraction under State law or under an
16 ordinance of local government, including violation of the motor
17 vehicle laws, or who commits indirect contempt by a juvenile as
18 defined in ~~G.S. 5A-31~~G.S. 5A-31; or

19 b. Any juvenile who, while less than 16 years and six months of age but
20 at least 16 years of age, commits a misdemeanor or infraction under
21 State law or under an ordinance of local government, excluding
22 violation of the motor vehicle laws, or who commits indirect
23 contempt by a juvenile as defined in G.S. 5A-31."

24 **SECTION 1.(b)** Effective July 1, 2017, G.S. 7B-1501(7) reads as rewritten:

25 "(7) Delinquent juvenile. –

26 a. Any juvenile who, while less than 16 years of age but at least 6 years
27 of age, commits a crime or infraction under State law or under an
28 ordinance of local government, including violation of the motor
29 vehicle laws, or who commits indirect contempt by a juvenile as
30 defined in G.S. 5A-31; or



- 1 b. Any juvenile who, while less than ~~16 years and six months~~ 17 years
2 of age but at least 16 years of age, commits a misdemeanor or
3 infraction under State law or under an ordinance of local
4 government, excluding violation of the motor vehicle laws, or who
5 commits indirect contempt by a juvenile as defined in G.S. 5A-31."

6 **SECTION 1.(c)** Effective July 1, 2018, G.S. 7B-1501(7) reads as rewritten:

7 "(7) Delinquent juvenile. –

- 8 a. Any juvenile who, while less than 16 years of age but at least 6 years
9 of age, commits a crime or infraction under State law or under an
10 ordinance of local government, including violation of the motor
11 vehicle laws, or who commits indirect contempt by a juvenile as
12 defined in G.S. 5A-31; or
13 b. Any juvenile who, while less than 17 years and six months of age but
14 at least 16 years of age, commits a misdemeanor or infraction under
15 State law or under an ordinance of local government, excluding
16 violation of the motor vehicle laws, or who commits indirect
17 contempt by a juvenile as defined in G.S. 5A-31."

18 **SECTION 1.(d)** Effective July 1, 2019, G.S. 7B-1501(7) reads as rewritten:

19 "(7) Delinquent juvenile. –

- 20 a. Any juvenile who, while less than 16 years of age but at least 6 years
21 of age, commits a crime or infraction under State law or under an
22 ordinance of local government, including violation of the motor
23 vehicle laws, or who commits indirect contempt by a juvenile as
24 defined in G.S. 5A-31; or
25 b. Any juvenile who, while less than ~~17 years and six months~~ 18 years
26 of age but at least 16 years of age, commits a misdemeanor or
27 infraction under State law or under an ordinance of local
28 government, excluding violation of the motor vehicle laws, or who
29 commits indirect contempt by a juvenile as defined in G.S. 5A-31."

30 **SECTION 2.** Effective July 1, 2016, G.S. 7B-1501(11) reads as rewritten:

31 "(11) Holdover facility. – A place located in a jail-jail, which has been approved
32 by the Department of Health and Human Services as meeting the State
33 standards for ~~detention~~ the operation of local confinement facilities, as
34 required in ~~G.S. 153A-224~~ G.S. 153A-221, providing close supervision
35 where ~~the~~ a juvenile cannot converse with, see, or be seen by the adult
36 population."

37 **SECTION 3.(a)** Effective July 1, 2016, G.S. 7B-1601 reads as rewritten:

38 "**§ 7B-1601. Jurisdiction over delinquent juveniles.**

39 (a) The court has exclusive, original jurisdiction over any case involving a juvenile who
40 is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at
41 the time of the alleged offense governs.

42 (b) When the court obtains jurisdiction over a juvenile alleged to be
43 delinquent, delinquent for an offense committed prior to the juvenile reaching the age of 16
44 years, jurisdiction shall continue until terminated by order of the court or until the juvenile
45 reaches the age of 18 years, except as provided otherwise in this Article.

46 **(b1)** When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
47 offense that would be a misdemeanor offense if committed by an adult and the offense was
48 committed while the juvenile was at least 16 years of age, jurisdiction shall continue until
49 terminated by order of the court or until the juvenile reaches the age of 19 years.

50 (c) When delinquency ~~proceedings~~ proceedings, for a juvenile alleged to be delinquent
51 for an offense committed prior to the juvenile reaching the age of 16 years, cannot be

1 concluded before the juvenile reaches the age of 18 years, the court retains jurisdiction for the
2 sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either
3 transferring the case to superior court for trial as an adult or dismissing the petition.

4 (c1) When delinquency proceedings, for a juvenile alleged to be delinquent for an
5 offense committed while the juvenile was at least 16 years of age, cannot be concluded before
6 the juvenile reaches the age of 19 years, the court retains jurisdiction for the sole purpose of
7 dismissing the petition.

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

14 (e) The court has jurisdiction over delinquent juveniles in the custody of the Division
15 and over proceedings to determine whether a juvenile who is under the post-release supervision
16 of the juvenile court counselor has violated the terms of the juvenile's post-release supervision.

17 (f) The court has jurisdiction over persons 18 years of age or older who are under the
18 extended jurisdiction of the juvenile court.

19 (g) The court has jurisdiction over the parent, guardian, or custodian of a juvenile who
20 is under the jurisdiction of the court pursuant to this section if the parent, guardian, or custodian
21 has been served with a summons pursuant to G.S. 7B-1805."

22 **SECTION 3.(b)** Effective July 1, 2018, G.S. 7B-1601(b1) reads as rewritten:

23 "(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
24 offense that would be a misdemeanor offense if committed by an adult and the offense was
25 committed while the juvenile was at least 16 years of ~~age,age but less than 17 years of age,~~
26 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
27 age of 19 years. If the offense was committed while the juvenile was at least 17 years of age,
28 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
29 age of 20 years."

30 **SECTION 3.(c)** Effective July 1, 2018, G.S. 7B-1601(c1) reads as rewritten:

31 "(c1) When delinquency proceedings, for a juvenile alleged to be delinquent for an
32 offense committed while the juvenile was at least 16 years of ~~age,age but less than 17 years of~~
33 ~~age,~~ cannot be concluded before the juvenile reaches the age of 19 years, the court retains
34 jurisdiction for the sole purpose of dismissing the petition. When delinquency proceedings, for
35 a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 17
36 years of age, cannot be concluded before the juvenile reaches the age of 20 years, the court
37 retains jurisdiction for the sole purpose of dismissing the petition."

38 **SECTION 4.(a)** Effective July 1, 2016, G.S. 7B-1604 reads as rewritten:

39 **"§ 7B-1604. Limitations on juvenile court jurisdiction.**

40 (a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
41 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~ juvenile has reached the
42 age of 16 years and six months is subject to prosecution as an adult. A juvenile who is
43 emancipated shall be prosecuted as an adult for the commission of a criminal offense.

44 (b) A juvenile (i) who is transferred to and convicted in superior ~~court~~ court or (ii) who
45 has previously been convicted in either district or superior court for a felony, including a
46 violation of the motor vehicle laws under State law shall be prosecuted as an adult for any
47 criminal offense the juvenile commits after the district or superior court conviction."

48 **SECTION 4.(b)** Effective July 1, 2017, G.S. 7B-1604(a) reads as rewritten:

49 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
50 commits a criminal offense on or after the juvenile has reached the age of ~~16 years and six~~

1 ~~months~~ 17 years is subject to prosecution as an adult. A juvenile who is emancipated shall be
2 prosecuted as an adult for the commission of a criminal offense."

3 **SECTION 4.(c)** Effective July 1, 2018, G.S. 7B-1604(a) reads as rewritten:

4 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
5 commits a criminal offense on or after the juvenile has reached the age of 17 years and six
6 months is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted
7 as an adult for the commission of a criminal offense."

8 **SECTION 4.(d)** Effective July 1, 2019, G.S. 7B-1604(a) reads as rewritten:

9 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
10 commits a criminal offense on or after the juvenile has reached the age of ~~17 years and six~~
11 ~~months~~ 18 years is subject to prosecution as an adult. A juvenile who is emancipated shall be
12 prosecuted as an adult for the commission of a criminal offense."

13 **SECTION 5.** Effective July 1, 2016, G.S. 7B-2506 reads as rewritten:

14 "**§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

15 The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may
16 use the following alternatives in accordance with the dispositional structure set forth in
17 G.S. 7B-2508:

18 (1) In the case of any juvenile under the age of 18 years who needs more
19 adequate care or supervision or who needs placement, the judge may:

20 ...

21 (2) Excuse ~~the a~~ juvenile under the age of 16 years from compliance with the
22 compulsory school attendance law when the court finds that suitable
23 alternative plans can be arranged by the family through other community
24 resources for one of the following:

- 25 a. An education related to the needs or abilities of the juvenile
26 including vocational education or special education;
27 b. A suitable plan of supervision or placement; or
28 c. Some other plan that the court finds to be in the best interests of the
29 juvenile.

30 (3) Order the juvenile to cooperate with a community-based program, an
31 intensive substance abuse treatment program, or a residential or
32 nonresidential treatment program. ~~Participation in the programs shall not~~
33 ~~exceed 12 months.~~

34"

35 **SECTION 6.** Effective July 1, 2016, G.S. 7B-2507 reads as rewritten:

36 "**§ 7B-2507. Delinquency history levels.**

37 (a) Generally. – The delinquency history level for a delinquent juvenile is determined
38 by calculating the sum of the points assigned to each of the juvenile's prior adjudications or
39 convictions and to the juvenile's probation status, if any, that the court finds to have been
40 proved in accordance with this section.

41 (b) Points. – Points are assigned as follows:

42 (1) For each prior adjudication of a Class A through E felony offense, 4 points.

43 (2) For each prior adjudication of a Class F through I felony offense or Class A1
44 misdemeanor offense, 2 points.

45 (2a) For each prior conviction of a Class A1 misdemeanor, excluding conviction
46 for violation of the motor vehicle laws, 2 points.

47 (2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
48 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
49 death by vehicle (G.S. 20-141.4(a2)), 2 points.

50 (3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, 1
51 point.

1 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,
2 excluding conviction for violation of the motor vehicle laws, 1 point.

3 (4) If the juvenile was on probation at the time of offense, 2 points.

4 No points shall be assigned for a prior adjudication that a juvenile is in direct contempt of
5 court or indirect contempt of court.

6 (c) Delinquency History Levels. – The delinquency history levels are:

7 (1) Low – No more than 1 point.

8 (2) Medium – At least 2, but not more than 3 points.

9 (3) High – At least 4 points.

10 In determining the delinquency history level, the classification of a prior offense is the
11 classification assigned to that offense at the time the juvenile committed the offense for which
12 disposition is being ordered.

13 (d) Multiple Prior Adjudications or Convictions Obtained in One Court Session. – For
14 purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent or
15 convicted for more than one offense in a single session of district court, only the adjudication
16 or conviction for the offense with the highest point total is used.

17 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. –
18 Except as otherwise provided in this subsection, an adjudication or conviction occurring in a
19 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in
20 which the offense occurred classifies the offense as a felony, or is classified as a Class 3
21 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a
22 misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense
23 classified as a felony in the other jurisdiction is substantially similar to an offense that is a
24 misdemeanor in North Carolina, the adjudication or conviction is treated as that class of
25 misdemeanor for assigning delinquency history level points. If the State proves by the
26 preponderance of the evidence that an offense classified as either a misdemeanor or a felony in
27 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as
28 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for
29 assigning delinquency history level points. If the State proves by the preponderance of the
30 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially
31 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication
32 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level
33 points.

34 (f) ~~Proof of Prior Adjudications.~~ Adjudications or Convictions. – A prior adjudication or
35 conviction shall be proved by any of the following methods:

36 (1) Stipulation of the parties.

37 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication
38 or conviction.

39 (3) A copy of records maintained by the Division of Criminal Information or by
40 the Division.

41 (4) Any other method found by the court to be reliable.

42 The State bears the burden of proving, by a preponderance of the evidence, that a prior
43 adjudication or conviction exists and that the juvenile before the court is the same person as the
44 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of
45 the court records or a copy of the records maintained by the Division of Criminal Information
46 or of the Division, bearing the same name as that by which the juvenile is charged, is prima
47 facie evidence that the juvenile named is the same person as the juvenile before the court, and
48 that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a
49 paper writing containing a reproduction of a record maintained electronically on a computer or
50 other data processing equipment, and a document produced by a facsimile machine. The
51 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full

1 record. Evidence presented by either party at trial may be utilized to prove prior
2 ~~adjudications, adjudications or convictions.~~ If asked by the juvenile, the prosecutor shall furnish
3 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time
4 sufficient to allow the juvenile to determine if the record available to the prosecutor is
5 accurate."

6 **SECTION 7.(a)** Effective July 1, 2016, G.S. 7B-2513(a) reads as rewritten:

7 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
8 juvenile who is at least 10 years of age to the Division for placement in a youth development
9 center. Commitment shall be for an indefinite term of at least six months.

10 (a1) In no event shall the term exceed: For an offense the juvenile committed prior to
11 reaching the age of 16 years, the term shall not exceed:

- 12 (1) The twenty-first birthday of the juvenile if the juvenile has been committed
13 to the Division for an offense that would be first-degree murder pursuant to
14 G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual
15 offense pursuant to G.S. 14-27.4 if committed by an adult;
- 16 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to
17 the Division for an offense that would be a Class B1, B2, C, D, or E felony if
18 committed by an adult, other than an offense set forth in subdivision (1) of
19 this subsection; or
- 20 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to
21 the Division for an offense other than an offense that would be a Class A,
22 B1, B2, C, D, or E felony if committed by an adult.

23 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of
24 age, the term shall not exceed the juvenile's 19th birthday.

25 (a3) Reserved.

26 (a4) No juvenile shall be committed to a youth development center beyond the minimum
27 six-month commitment for a period of time in excess of the maximum term of imprisonment
28 for which an adult in prior record level VI for felonies or in prior conviction level III for
29 misdemeanors could be sentenced for the same offense, except when the Division pursuant to
30 G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an
31 additional period of time to continue care or treatment under the plan of care or treatment
32 developed under subsection (f) of this section. At the time of commitment to a youth
33 development center, the court shall determine the maximum period of time the juvenile may
34 remain committed before a determination must be made by the Division pursuant to
35 G.S. 7B-2515 and shall notify the juvenile of that determination."

36 **SECTION 7.(b)** Effective July 1, 2017, G.S. 7B-2513(a2) reads as rewritten:

37 "(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
38 but less than 17 years of age, the term shall not exceed the juvenile's 19th birthday."

39 **SECTION 7.(c)** Effective July 1, 2018, G.S. 7B-2513(a3) reads as rewritten:

40 "(a3) For an offense the juvenile committed while the juvenile was at least 17 years of
41 age, the term shall not exceed the juvenile's 20th birthday."

42 **SECTION 8.** Effective July 1, 2016, G.S. 7B-2515(a) reads as rewritten:

43 "(a) In determining whether a juvenile who was committed to the Division for an offense
44 that was committed prior to the juvenile reaching the age of 16 years should be released before
45 the juvenile's 18th birthday, the Division shall consider the protection of the public and the
46 likelihood that continued placement will lead to further rehabilitation. If the Division does not
47 intend to release the juvenile who was committed for an offense that was committed prior to the
48 juvenile reaching the age of 16 years prior to the juvenile's eighteenth birthday, or if the
49 Division determines that the juvenile's commitment should be continued beyond the maximum
50 commitment period as set forth in ~~G.S. 7B-2513(a)~~, G.S. 7B-2513(a1), the Division shall notify
51 the juvenile and the juvenile's parent, guardian, or custodian in writing at least 30 days in

1 advance of the juvenile's eighteenth birthday or the end of the maximum commitment period,
2 of the additional specific commitment period proposed by the Division, the basis for extending
3 the commitment period, and the plan for future care or treatment."

4 **SECTION 9.** Effective July 1, 2016, G.S. 7B-2603(b) reads as rewritten:

5 "(b) Once an order of transfer has been entered by the district court, the juvenile has the
6 right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534.
7 Pending release, the juvenile shall be detained pursuant to G.S. 7B-2204. The release order
8 shall specify the person or persons to whom the juvenile may be released. Pending release, the
9 court shall order that the juvenile be detained in a detention facility while awaiting trial. The
10 court may order the juvenile to be held in a holdover facility as defined by G.S. 7B-1501 at any
11 time the presence of the juvenile is required in court for pretrial hearings or trial, if the court
12 finds that it would be inconvenient to return the juvenile to the detention facility."

13 **SECTION 10.(a)** Effective July 1, 2016, the introductory language of
14 G.S. 5A-31(a) reads as rewritten:

15 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
16 years of age, (ii) is not yet 16 years and six months of age, and (iii) has not been convicted of
17 any crime in superior court, is contempt by a juvenile:"

18 **SECTION 10.(b)** Effective July 1, 2017, the introductory language of
19 G.S. 5A-31(a) reads as rewritten:

20 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
21 years of age, (ii) is not yet ~~16 years and six months~~ 17 years of age, and (iii) has not been
22 convicted of any crime in superior court, is contempt by a juvenile:"

23 **SECTION 10.(c)** Effective July 1, 2018, the introductory language of
24 G.S. 5A-31(a) reads as rewritten:

25 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
26 years of age, (ii) is not yet 17 years and six months of age, and (iii) has not been convicted of
27 any crime in superior court, is contempt by a juvenile:"

28 **SECTION 10.(d)** Effective July 1, 2019, the introductory language of
29 G.S. 5A-31(a) reads as rewritten:

30 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
31 years of age, (ii) is not yet ~~17 years and six months~~ 18 years of age, and (iii) has not been
32 convicted of any crime in superior court, is contempt by a juvenile:"

33 **SECTION 11.(a)** Effective July 1, 2016, G.S. 5A-34(b) reads as rewritten:

34 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
35 by a minor who:

- 36 (1) Is 16 years and six months of age or older;
- 37 (2) Is married or otherwise emancipated; or
- 38 (3) Before the act or omission, was convicted in superior court of any criminal
39 offense."

40 **SECTION 11.(b)** Effective July 1, 2017, G.S. 5A-34(b) reads as rewritten:

41 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
42 by a minor who:

- 43 (1) Is ~~16 years and six months~~ 17 years of age or older;
- 44 (2) Is married or otherwise emancipated; or
- 45 (3) Before the act or omission, was convicted in superior court of any criminal
46 offense."

47 **SECTION 11.(c)** Effective July 1, 2018, G.S. 5A-34(b) reads as rewritten:

48 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
49 by a minor who:

- 50 (1) Is 17 years and six months of age or older;
- 51 (2) Is married or otherwise emancipated; or

1 (3) Before the act or omission, was convicted in superior court of any criminal
2 offense."

3 **SECTION 11.(d)** Effective July 1, 2019, G.S. 5A-34(b) reads as rewritten:

4 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
5 by a minor who:

6 ~~(1) Is 17 years and six months of age or older;~~

7 (2) Is married or otherwise emancipated; or

8 (3) Before the act or omission, was convicted in superior court of any criminal
9 offense."

10 **SECTION 12.(a)** Effective July 1, 2016, G.S. 143B-805(6) reads as rewritten:

11 "(6) Delinquent juvenile. –

12 a. Any juvenile who, while less than 16 years of age but at least 6 years
13 of age, commits a crime or infraction under State law or under an
14 ordinance of local government, including violation of the motor
15 vehicle ~~laws.~~ laws; or

16 b. Any juvenile who, while less than 16 years and six months of age but
17 at least 16 years of age, commits a misdemeanor or infraction under
18 State law or under an ordinance of local government, excluding
19 violation of the motor vehicle laws."

20 **SECTION 12.(b)** Effective July 1, 2017, G.S. 143B-805(6) reads as rewritten:

21 "(6) Delinquent juvenile. –

22 a. Any juvenile who, while less than 16 years of age but at least 6 years
23 of age, commits a crime or infraction under State law or under an
24 ordinance of local government, including violation of the motor
25 vehicle laws; or

26 b. Any juvenile who, while less than ~~16 years and six months~~ 17 years
27 of age but at least 16 years of age, commits a misdemeanor or
28 infraction under State law or under an ordinance of local
29 government, excluding violation of the motor vehicle laws."

30 **SECTION 12.(c)** Effective July 1, 2018, G.S. 143B-805(6) reads as rewritten:

31 "(6) Delinquent juvenile. –

32 a. Any juvenile who, while less than 16 years of age but at least 6 years
33 of age, commits a misdemeanor or infraction under State law or
34 under an ordinance of local government, including violation of the
35 motor vehicle laws; or

36 b. Any juvenile who, while less than 17 years and six months of age but
37 at least 16 years of age, commits a misdemeanor or infraction under
38 State law or under an ordinance of local government, excluding
39 violation of the motor vehicle laws."

40 **SECTION 12.(d)** Effective July 1, 2019, G.S. 143B-805(6) reads as rewritten:

41 "(6) Delinquent juvenile. –

42 a. Any juvenile who, while less than 16 years of age but at least 6 years
43 of age, commits a crime or infraction under State law or under an
44 ordinance of local government, including violation of the motor
45 vehicle laws; or

46 b. Any juvenile who, while less than ~~17 years and six months~~ 18 years
47 of age but at least 16 years of age, commits a misdemeanor or
48 infraction under State law or under an ordinance of local
49 government, excluding violation of the motor vehicle laws."

50 **SECTION 13.** Effective July 1, 2016, G.S. 143B-806(b) reads as rewritten:

51 "(b) The Secretary shall have the following powers and duties:

1 ...
2 (20) Provide for the transportation to and from any State or local juvenile facility
3 of any person under the jurisdiction of the juvenile court for any purpose
4 required by Chapter 7B of the General Statutes or upon order of the court."

5 SECTION 14.(a) Effective July 1, 2016, G.S. 14-316.1 reads as rewritten:

6 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

7 Any person who is at least 16 years and six months old who knowingly or willfully causes,
8 encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
9 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
10 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
11 of a Class 1 misdemeanor.

12 It is not necessary for the district court exercising juvenile jurisdiction to make an
13 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
14 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of
15 the Department of Public Safety under this section. An adjudication that a juvenile is
16 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a
17 parent or any other person including an employee of the Division of Juvenile Justice of the
18 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or
19 neglected condition of any juvenile."

20 SECTION 14.(b) Effective July 1, 2017, G.S. 14-316.1 reads as rewritten:

21 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

22 Any person who is at least ~~16 years and six months~~ 17 years old who knowingly or willfully
23 causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
24 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
25 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
26 of a Class 1 misdemeanor.

27 It is not necessary for the district court exercising juvenile jurisdiction to make an
28 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
29 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of
30 the Department of Public Safety under this section. An adjudication that a juvenile is
31 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a
32 parent or any other person including an employee of the Division of Juvenile Justice of the
33 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or
34 neglected condition of any juvenile."

35 SECTION 14.(c) Effective July 1, 2018, G.S. 14-316.1 reads as rewritten:

36 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

37 Any person who is at least 17 years and six months old who knowingly or willfully causes,
38 encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
39 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
40 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
41 of a Class 1 misdemeanor.

42 It is not necessary for the district court exercising juvenile jurisdiction to make an
43 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
44 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of
45 the Department of Public Safety under this section. An adjudication that a juvenile is
46 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a
47 parent or any other person including an employee of the Division of Juvenile Justice of the
48 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or
49 neglected condition of any juvenile."

50 SECTION 14.(d) Effective July 1, 2019, G.S. 14-316.1 reads as rewritten:

51 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

1 Any person who is at least ~~17 years and six months~~ 18 years old who knowingly or willfully
2 causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
3 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
4 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
5 of a Class 1 misdemeanor.

6 It is not necessary for the district court exercising juvenile jurisdiction to make an
7 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
8 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of
9 the Department of Public Safety under this section. An adjudication that a juvenile is
10 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a
11 parent or any other person including an employee of the Division of Juvenile Justice of the
12 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or
13 neglected condition of any juvenile."

14 **SECTION 15.** For purposes of this act, the determination of a juvenile's age shall
15 be from the date of birth in the month of birth to the same date in each calendar month.

16 **SECTION 16.(a)** Effective January 14, 2011, Section 18.9(h) of S.L. 2009-451
17 reads as rewritten:

18 "**SECTION 18.9.(h)** Report. – The Task Force shall submit an interim report to the 2010
19 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,~~ January 15, 2020, to the General Assembly, the
24 Governor, and the citizens of the State. The Task Force shall terminate upon filing its final
25 report."

26 **SECTION 16.(b)** Effective January 1, 2012, Section 18.9 of S.L. 2009-451 reads
27 as rewritten:

28 "**SECTION 18.9.(a)** Task Force Established. – There is established within the Division of
29 Juvenile Justice of the Department of Public Safety~~Department of Juvenile Justice and~~
30 ~~Delinquency Prevention~~ the Youth Accountability Planning Task Force. The Division of
31 Juvenile Justice of the Department of Public Safety~~Department of Juvenile Justice and~~
32 ~~Delinquency Prevention~~ shall provide professional and clerical staff and other services and
33 supplies, including meeting space, as needed for the Task Force to carry out its duties in an
34 effective manner.

35 "**SECTION 18.9.(b)** Membership. – The Task Force shall consist of 21 members. The
36 following members or their designees shall serve as ex officio members:

- 37 (1) The Chief Deputy Secretary of the Division of Juvenile Justice of the
38 Department of Public Safety~~Secretary of the Department of Juvenile Justice~~
39 ~~and Delinquency Prevention~~.
- 40 (2) The Director of the Administrative Office of the Courts.
- 41 (3) The Secretary of the Department of Health and Human Services.
- 42 (4) The Chief Deputy Secretary of the Division of Adult Corrections of the
43 Department of Public Safety~~Secretary of the Department of Correction~~.
- 44 (5) The Secretary of the Department of ~~Crime Control and~~ Public Safety.
- 45 (6) The Superintendent of Public Instruction.
- 46 (7) The Secretary of the Department of Administration, or a designee having
47 knowledge of programs and services for youth and young adults.
- 48 (8) The Juvenile Defender in the Office of Indigent Defense.
- 49 (9) One representative from the Governor's Crime Commission, appointed by
50 the Governor.

- 1 (10) One representative from the North Carolina Sentencing and Policy Advisory
2 Commission, appointed by the Governor.
3 The remaining members shall be appointed as follows:
4 (11) Three members of the House of Representatives appointed by the Speaker of
5 the House of Representatives.
6 (12) Three members of the Senate appointed by the President Pro Tempore of the
7 Senate.
8 (13) Two chief court counselors, appointed by the Governor, one to be from a
9 rural county and one from an urban county.
10 (14) One present or former chief district court judge or superior court judge
11 appointed by the Chief Justice of the North Carolina Supreme Court.
12 (15) One police chief appointed by the President Pro Tempore of the Senate.
13 (16) One district attorney appointed by the Speaker of the House of
14 Representatives.

15 Appointments to the Task Force shall be made no later than October 1, 2009. A
16 vacancy in the Task Force or a vacancy as chair of the Task Force resulting from the
17 resignation of a member or otherwise shall be filled in the same manner in which the original
18 appointment was made.

19 **"SECTION 18.9.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and the
20 Speaker of the House of Representatives shall each designate one member to serve as cochair
21 of the Task Force.

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

25 **"SECTION 18.9.(d)** The Office of the Governor shall provide staff to the Task Force at
26 the request of the Task Force.

27 **"SECTION 18.9.(e)** Cooperation by Government Agencies. – The Task Force may call
28 upon any department, agency, institution, or officer of the State or any political subdivision
29 thereof for facilities, data, or other assistance.

30 **"SECTION 18.9.(f)** Duties of Task Force. – The Task Force shall determine whether the
31 State should amend the laws concerning persons 16 and 17 years of age who commit crimes or
32 infractions, including a determination of whether the Juvenile Code or the Criminal Procedure
33 Act should be revised to provide appropriate sanctions, services, and treatment for those
34 offenders and a study of expanding the jurisdiction of the Division of Juvenile Justice of the
35 Department of Public Safety~~Department of Juvenile Justice and Delinquency Prevention~~ to
36 include persons 16 and 17 years of age who commit crimes or infractions. As part of its study,
37 the Task Force shall also develop an implementation plan that may be used if it is determined
38 that it is appropriate to expand the jurisdiction of the Division of Juvenile Justice of the
39 Department of Public Safety~~Department of Juvenile Justice and Delinquency Prevention~~ to
40 include persons 16 and 17 years of age who commit crimes or infractions. In particular, the
41 Task Force shall consider all of the following:

- 42 (1) The costs to the State court system and State and local law enforcement.
43 (2) The relevant State laws that should be conformed or amended as a result of
44 revising the definition of delinquent juvenile to include 16- and 17-year-old
45 persons, including the motor vehicle and criminal laws, the laws regarding
46 expunction of criminal records, and other juvenile laws. The Task Force
47 shall make recommendations to the General Assembly regarding proposed
48 legislative amendments.
49 (3) Proposals to eliminate the racial disparity in complaints, commitments,
50 community program availability, utilization and success rates, and other key
51 decision and impact points in the juvenile justice process.

- 1 (4) Proposals regarding community programs that would provide rehabilitative
2 services to juveniles in a treatment-oriented environment and incorporate
3 best practices as recommended in subdivision (3) of this subsection.
- 4 (5) The total cost of expanding the jurisdiction of the Division of Juvenile
5 Justice of the Department of Public Safety~~Department of Juvenile Justice~~
6 ~~and Delinquency Prevention~~ to include persons who are 16 and 17 years of
7 age who commit crimes or infractions under State law or under an ordinance
8 of local government.
- 9 (6) The implications of revising the definition of delinquent juvenile to include
10 16- and 17-year-olds, as it relates to other laws based on age, including laws
11 requiring school attendance and drivers license laws.
- 12 (7) Whether standards should be established for determining when a juvenile
13 should be transferred to superior court, including whether there should be
14 presumptions that certain offenses should or should not result in a transfer to
15 superior court.
- 16 (8) Whether a 16- or 17-year-old who is alleged to have committed a felony
17 motor vehicle offense should be considered a juvenile or an adult.
- 18 (9) Any other related issues that the Task Force considers necessary.

19 Upon enactment of legislation expanding the jurisdiction of the Division of Juvenile Justice
20 of the Department of Public Safety to include persons 16 and 17 years of age who commit
21 crimes or infractions, the Task Force shall monitor and review the implementation of the
22 expansion and shall make additional recommendations to the General Assembly as necessary.

23 "**SECTION 18.9.(g)** Consultation. – The Task Force shall consult with appropriate State
24 departments, agencies, and board representatives on issues related to juvenile justice
25 administration.

26 "**SECTION 18.9.(h)** Report. – The Task Force shall submit an interim report to the 2010
27 Regular Session of the 2009 General Assembly, with copies to the Joint Legislative
28 Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the
29 Appropriations Subcommittees on Justice and Public Safety of both houses and shall submit a
30 final report of its findings and recommendations, including legislative, administrative, and
31 funding recommendations, by January 15, 2020, to the General Assembly, the Governor, and
32 the citizens of the State. The Task Force shall terminate upon filing its final report.

33 "**SECTION 18.9.(i)** Funding. – The Task Force may apply for, receive, and accept grants
34 of non-State funds or other contributions as appropriate to assist in the performance of its
35 duties. The Division of Juvenile Justice of the Department of Public Safety ~~Department of~~
36 ~~Juvenile Justice and Delinquency Prevention~~ may also use funds appropriated to it to carry out
37 the study and devise the implementation plan."

38 **SECTION 17.** Except as otherwise provided in this act, this act is effective when it
39 becomes law. Prosecutions, or delinquency proceedings initiated, for offenses committed
40 before any particular section of this act becomes effective are not abated or affected by this act,
41 and the statutes that are in effect on the dates the offenses are committed remain applicable to
42 those prosecutions.