

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 725
PROPOSED COMMITTEE SUBSTITUTE H725-PCS80382-SA-53

Short Title: Young Offenders Rehabilitation Act.

(Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE JUVENILE JURISDICTION ADVISORY COMMITTEE,
2 TO CREATE A PILOT CIVIL CITATION PROCESS FOR JUVENILES, AND TO
3 RAISE THE AGE OF JUVENILE JURISDICTION TO INCLUDE SIXTEEN- AND
4 SEVENTEEN-YEAR-OLDS WHO HAVE COMMITTED MISDEMEANOR OFFENSES.

5 The General Assembly of North Carolina enacts:

6

7

8 **ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

9 **SECTION 1.(a)** Advisory Committee Established. – There is established within
10 the Division of Juvenile Justice of the Department of Public Safety the Juvenile Jurisdiction
11 Advisory Committee. The Division of Juvenile Justice shall provide professional and clerical
12 staff and other services and supplies, including meeting space, as needed for the Advisory
13 Committee to carry out its duties in an effective manner.

14 **SECTION 1.(b)** Membership. – The Advisory Committee shall consist of 24
15 members. The following members or their designees shall serve as ex officio members:

- 16 (1) The Chief Deputy Secretary of the Division of Juvenile Justice of the
17 Department of Public Safety.
- 18 (2) The Director of the Administrative Office of the Courts.
- 19 (3) The Director of the Division of Mental Health, Developmental Disabilities,
20 and Substance Abuse Services of the Department of Health and Human
21 Services.
- 22 (4) The Chief Deputy Secretary of the Division of Adult Correction of the
23 Department of Public Safety.
- 24 (5) The Secretary of the Department of Public Safety.
- 25 (6) The Superintendent of Public Instruction.
- 26 (7) The Secretary of the Department of Administration or a designee having
27 knowledge of programs and services for youth and young adults.
- 28 (8) The Juvenile Defender in the Office of Indigent Defense.
- 29 (9) One representative from the Governor's Crime Commission appointed by the
30 Governor.
- 31 (10) One representative from the North Carolina Sentencing and Policy Advisory
32 Commission appointed by the Governor.

33 The remaining members shall be appointed as follows:

- 34 (11) Three members of the House of Representatives appointed by the Speaker of
35 the House of Representatives.



- 1 (12) Three members of the Senate appointed by the President Pro Tempore of the
2 Senate.
- 3 (13) Two chief court counselors appointed by the Governor, one to be from a
4 rural county and one from an urban county.
- 5 (14) One present or former chief district court judge or superior court judge
6 appointed by the Chief Justice of the North Carolina Supreme Court.
- 7 (15) One police chief and one sheriff appointed by the President Pro Tempore of
8 the Senate.
- 9 (16) One district attorney appointed by the Speaker of the House of
10 Representatives.
- 11 (17) Two representatives from the juvenile advocacy community, one appointed
12 by the President Pro Tempore of the Senate and one appointed by the
13 Speaker of the House of Representatives.

14 Appointments to the Advisory Committee shall be made no later than October 1,
15 2013. A vacancy in the Advisory Committee or a vacancy as chair of the Advisory Committee
16 resulting from the resignation of a member or otherwise shall be filled in the same manner in
17 which the original appointment was made.

18 **SECTION 1.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and
19 the Speaker of the House of Representatives shall each designate one member to serve as
20 cochair of the Advisory Committee.

21 The cochairs shall call the initial meeting of the Advisory Committee on or before
22 November 1, 2013. The Advisory Committee shall subsequently meet upon such notice and in
23 such manner as its members determine. A majority of the members of the Advisory Committee
24 shall constitute a quorum.

25 **SECTION 1.(d)** The Office of the Governor shall provide staff to the Advisory
26 Committee at the request of the Advisory Committee.

27 **SECTION 1.(e)** Cooperation by Government Agencies. – The Advisory
28 Committee may call upon any department, agency, institution, or officer of the State or any
29 political subdivision thereof for facilities, data, or other assistance.

30 **SECTION 1.(f)** Duties of Advisory Committee. – The Advisory Committee shall
31 plan for the implementation of any changes in the juvenile justice system that would be
32 required in order to extend jurisdiction in delinquency matters and proceedings to include 16-
33 and 17-year-old persons charged with misdemeanor offenses within the juvenile justice system.
34 Upon enactment of legislation expanding the jurisdiction of the Division of Juvenile Justice to
35 include persons 16 and 17 years of age who commit crimes or infractions, the Advisory
36 Committee shall monitor and review the implementation of the expansion and shall make
37 additional recommendations to the General Assembly as necessary.

38 **SECTION 1.(g)** Establishment of Subcommittee. – The cochairs of the Advisory
39 Committee shall establish a Juvenile Civil Citation Subcommittee to develop and implement a
40 juvenile civil citation process for purposes of providing an efficient and innovative alternative
41 to custody for juveniles who commit nonserious delinquent acts and to ensure swift and
42 appropriate consequences. The Subcommittee shall be created no later than January 1, 2014,
43 and shall consist of seven members as follows:

- 44 (1) The Chief Deputy Secretary of the Division of Juvenile Justice of the
45 Department of Public Safety or the Chief Deputy Secretary's designee.
- 46 (2) A chief district court judge.
- 47 (3) A district attorney.
- 48 (4) A head of a county or municipal law enforcement agency.
- 49 (5) The Juvenile Defender in the Office of Indigent Services or the Juvenile
50 Defender's designee.
- 51 (6) A chief court counselor.

1 (7) A representative of a juvenile services program provider.

2 The Subcommittee shall review civil citation programs in other states and shall
3 develop and submit a proposed process and implementation plan for a juvenile civil citation
4 program in this State to the Advisory Committee no later than July 1, 2014. Upon approval of
5 the plan by the Advisory Committee, the Subcommittee shall oversee a two-year pilot program
6 of the juvenile civil citation program in at least three counties chosen by the Subcommittee.
7 The Subcommittee may expand the program to additional counties during the two-year pilot.

8 Upon completion of the two-year pilot program, but no later than January 15, 2017,
9 the Subcommittee shall submit a report of the status of the program, the number of counties
10 being served by the program, and its findings and recommendations, including legislative,
11 administrative, and funding recommendations to the Advisory Committee.

12 The Subcommittee shall establish a juvenile civil citation program within every
13 county in the State by July 1, 2018. The Advisory Committee shall recommend to the General
14 Assembly any legislation needed to facilitate the establishment of a juvenile civil citation
15 program as a statewide program.

16 **SECTION 1.(h)** Consultation. – The Advisory Committee shall consult with
17 appropriate State departments, agencies, and board representatives on issues related to juvenile
18 justice administration.

19 **SECTION 1.(i)** Report. – The Advisory Committee shall submit an interim report,
20 including legislative, administrative, and funding recommendations necessary to implement the
21 increase in juvenile jurisdiction to include 16- and 17-year-old persons charged with
22 misdemeanor offenses to the 2015 General Assembly with copies to the Joint Legislative
23 Justice and Public Safety Oversight Committee and to the Appropriations Subcommittees on
24 Justice and Public Safety of both houses. The Advisory Committee shall submit a final report
25 of its findings and recommendations, including legislative, administrative, and funding
26 recommendations, by January 15, 2019, to the General Assembly, the Governor, and the
27 citizens of the State. The Advisory Committee shall terminate upon filing its final report.

28 **SECTION 1.(j)** Funding. – The Advisory Committee may apply for, receive, and
29 accept grants of non-State funds or other contributions as appropriate to assist in the
30 performance of its duties. The Division of Juvenile Justice of the Department of Public Safety
31 shall use up to twenty-five thousand dollars (\$25,000) of funds appropriated to it to carry out
32 the study and devise the implementation plan.

33 INCREASE JUVENILE JURISDICTION

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

35 "(7) Delinquent juvenile. –

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

41 b. Any juvenile who, while less than 17 years of age but at least 16
42 years of age, commits a misdemeanor or infraction under State law or
43 under an ordinance of local government, excluding violation of the
44 motor vehicle laws, or who commits indirect contempt by a juvenile
45 as defined in G.S. 5A-31."

46 **SECTION 2.(b)** Effective July 1, 2017, G.S. 7B-1501(7) reads as rewritten:

47 "(7) Delinquent juvenile. –

48 a. Any juvenile who, while less than 16 years of age but at least 6 years
49 of age, commits a crime or infraction under State law or under an
50 ordinance of local government, including violation of the motor
51

1 vehicle laws, or who commits indirect contempt by a juvenile as
2 defined in G.S. 5A-31; or

- 3 b. Any juvenile who, while less than ~~17-18~~ years of age but at least 16
4 years of age, commits a misdemeanor or infraction under State law or
5 under an ordinance of local government, excluding violation of the
6 motor vehicle laws, or who commits indirect contempt by a juvenile
7 as defined in G.S. 5A-31."

8 **SECTION 3.** Effective July 1, 2016, G.S. 7B-1501(11) reads as rewritten:

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

15 **SECTION 4.(a)** Effective July 1, 2016, G.S. 7B-1601 reads as rewritten:

16 "**§ 7B-1601. Jurisdiction over delinquent juveniles.**

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

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

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

28 (c) When delinquency ~~proceedings~~ proceedings for a juvenile alleged to be delinquent
29 for an offense committed prior to the juvenile reaching the age of 16 years cannot be concluded
30 before the juvenile reaches the age of 18 years, the court retains jurisdiction for the sole
31 purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring
32 the case to superior court for trial as an adult or dismissing the petition.

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

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

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

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

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

51 **SECTION 4.(b)** Effective July 1, 2017, G.S. 7B-1601(b1) reads as rewritten:

1 "(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
2 offense that would be a misdemeanor offense if committed by an adult and the offense was
3 committed while the juvenile was at least 16 years of ~~age, age~~ but less than 17 years of age,
4 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
5 age of 19 years. If the offense was committed while the juvenile was at least 17 years of age,
6 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
7 age of 20 years."

8 **SECTION 4.(c)** Effective July 1, 2017, G.S. 7B-1601(c1) reads as rewritten:

9 "(c1) When delinquency proceedings, for a juvenile alleged to be delinquent for an
10 offense committed while the juvenile was at least 16 years of ~~age, age~~ but less than 17 years of
11 age cannot be concluded before the juvenile reaches the age of 19 years, the court retains
12 jurisdiction for the sole purpose of dismissing the petition. When delinquency proceedings for a
13 juvenile alleged to be delinquent for an offense committed while the juvenile was at least 17
14 years of age cannot be concluded before the juvenile reaches the age of 20 years, the court
15 retains jurisdiction for the sole purpose of dismissing the petition."

16 **SECTION 5.(a)** Effective July 1, 2016, G.S. 7B-1604 reads as rewritten:

17 **"§ 7B-1604. Limitations on juvenile court jurisdiction.**

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 has reached the
20 age of 17 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 (b) A juvenile (i) who is transferred to and convicted in superior court or (ii) who
23 has previously been convicted in either district or superior court for a felony, including a
24 violation of the motor vehicle laws under State law, shall be prosecuted as an adult for any
25 criminal offense the juvenile commits after the district or superior court conviction."

26 **SECTION 5.(b)** Effective July 1, 2017, G.S. 7B-1604(a) reads as rewritten:

27 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
28 commits a criminal offense on or after the juvenile has reached the age of ~~17~~ 18 years is subject
29 to prosecution as an adult. A juvenile who is emancipated shall be prosecuted as an adult for
30 the commission of a criminal offense."

31 **SECTION 6.** Effective July 1, 2016, G.S. 7B-1901(a) reads as rewritten:

32 "(a) A person who takes a juvenile into custody without a court order under
33 G.S. 7B-1900(1) or (2) shall proceed as follows:

34 (1) Notify the juvenile's parent, guardian, or custodian that the juvenile has been
35 taken into temporary custody and advise the parent, guardian, or custodian
36 of the right to be present with the juvenile until a determination is made as to
37 the need for secure or nonsecure custody. Failure to notify the parent,
38 guardian, or custodian that the juvenile is in custody shall not be grounds for
39 release of the juvenile.

40 (2) Unless otherwise authorized in subdivision (2a) of this subsection,
41 release ~~Release~~ the juvenile to the juvenile's parent, guardian, or custodian if
42 the person having the juvenile in temporary custody decides that continued
43 custody is unnecessary. In the case of a juvenile unlawfully absent from
44 school, if continued custody is unnecessary, the person having temporary
45 custody may deliver the juvenile to the juvenile's school or, if the local city
46 or county government and the local school board adopt a policy, to a place in
47 the local school administrative unit.

48 (2a) If the juvenile is at least 16 years old and is taken into custody without a
49 court order pursuant to G.S. 7B-1900(1), if the person having the juvenile in
50 temporary custody, while exercising reasonable discretion, decides that

1 continued custody is unnecessary, the juvenile may be released without the
2 presence of the juvenile's parent, guardian, or custodian.

- 3 (3) If the juvenile is not released, request that a petition be drawn pursuant to
4 G.S. 7B-1803 or G.S. 7B-1804. Once the petition has been drawn and
5 verified, the person shall communicate with the juvenile court counselor. If
6 the juvenile court counselor approves the filing of the petition, the juvenile
7 court counselor shall contact the judge or the person delegated authority
8 pursuant to G.S. 7B-1902 if other than the juvenile court counselor, for a
9 determination of the need for continued custody."

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

11 **"§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

- 15 (1) In the case of any juvenile under the age of 18 years who needs more
16 adequate care or supervision or who needs placement, the judge may:
17 ...
18 (2) Excuse ~~the~~ a juvenile under the age of 16 years from compliance with the
19 compulsory school attendance law when the court finds that suitable
20 alternative plans can be arranged by the family through other community
21 resources for one of the following:
22 a. An education related to the needs or abilities of the juvenile
23 including vocational education or special education;
24 b. A suitable plan of supervision or placement; or
25 c. Some other plan that the court finds to be in the best interests of the
26 juvenile.
27 (3) Order the juvenile to cooperate with a community-based program, an
28 intensive substance abuse treatment program, or a residential or
29 nonresidential treatment program. ~~Participation in the programs shall not~~
30 ~~exceed 12 months.~~

31"

32 **SECTION 8.** Effective July 1, 2016, G.S. 7B-2507 reads as rewritten:

33 **"§ 7B-2507. Delinquency history levels.**

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

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

- 39 (1) For each prior adjudication of a Class A through E felony offense, 4 points.
40 (2) For each prior adjudication of a Class F through I felony offense or Class A1
41 misdemeanor offense, 2 points.
42 (2a) For each prior conviction of a Class A1 misdemeanor, excluding conviction
43 for violation of the motor vehicle laws, 2 points.
44 (2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
45 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
46 death by vehicle (G.S. 20-141.4(a2)), 2 points.
47 (3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, 1
48 point.
49 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,
50 excluding conviction for violation of the motor vehicle laws, 1 point.
51 (4) If the juvenile was on probation at the time of offense, 2 points.

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

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

4 (1) Low – No more than 1 point.

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

6 (3) High – At least 4 points.

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

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

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

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

33 (1) Stipulation of the parties.

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

36 (3) A copy of records maintained by the Division of Criminal Information or by
37 the Division.

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

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

1 sufficient to allow the juvenile to determine if the record available to the prosecutor is
2 accurate."

3 **SECTION 9.(a)** Effective July 1, 2016, G.S. 7B-2513(a) reads as rewritten:

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

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

9 (1) The twenty-first birthday of the juvenile if the juvenile has been committed
10 to the Division for an offense that would be first-degree murder pursuant to
11 G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual
12 offense pursuant to G.S. 14-27.4 if committed by an adult;

13 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to
14 the Division for an offense that would be a Class B1, B2, C, D, or E felony if
15 committed by an adult, other than an offense set forth in subdivision (1) of
16 this subsection; or

17 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to
18 the Division for an offense other than an offense that would be a Class A,
19 B1, B2, C, D, or E felony if committed by an adult.

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

22 (a3) Reserved.

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

33 **SECTION 9.(b)** Effective July 1, 2017, G.S. 7B-2513(a2) reads as rewritten:

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

36 **SECTION 9.(c)** Effective July 1, 2017, G.S. 7B-2513(a3) reads as rewritten:

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

39 **SECTION 10.** Effective July 1, 2016, G.S. 7B-2515(a) reads as rewritten:

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

1 **SECTION 11.** Effective July 1, 2016, G.S. 7B-2603(b) reads as rewritten:

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

10 **SECTION 12.(a)** Effective July 1, 2016, the introductory language of
11 G.S. 5A-31(a) reads as rewritten:

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

15 **SECTION 12.(b)** Effective July 1, 2017, the introductory language of
16 G.S. 5A-31(a) reads as rewritten:

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

20 **SECTION 13.(a)** Effective July 1, 2016, G.S. 5A-34(b) reads as rewritten:

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

- 23 (1) Is ~~16-17~~ years of age or older;
24 (2) Is married or otherwise emancipated; or
25 (3) Before the act or omission, was convicted in superior court of any criminal
26 offense."

27 **SECTION 13.(b)** Effective July 1, 2017, G.S. 5A-34(b) reads as rewritten:

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

- 30 ~~(1) Is 17 years of age or older;~~
31 (2) Is married or otherwise emancipated; or
32 (3) Before the act or omission, was convicted in superior court of any criminal
33 offense."

34 **SECTION 14.(a)** Effective July 1, 2016, G.S. 143B-805(6) reads as rewritten:

35 "(6) Delinquent juvenile. –

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

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

44 **SECTION 14.(b)** Effective July 1, 2017, G.S. 143B-805(6) reads as rewritten:

45 "(6) Delinquent juvenile. –

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

50 b. Any juvenile who, while less than ~~17-18~~ years of age but at least 16
51 years of age, commits a misdemeanor or infraction under State law or

1 under an ordinance of local government, excluding violation of the
2 motor vehicle laws."

3 **SECTION 15.** Effective July 1, 2016, G.S. 143B-806(b) reads as rewritten:

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

5 ...

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

9 **SECTION 16.(a)** Effective July 1, 2016, G.S. 14-316.1 reads as rewritten:

10 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

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

24 **SECTION 16.(b)** Effective July 1, 2017, G.S. 14-316.1 reads as rewritten:

25 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

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

39
40 **EFFECTIVE DATE**

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