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SENATE BILL DRS35234-TV-1 (03/17)

Short Title: Juvenile Reinvestment Act.

(Public)

Sponsors: Senators Randleman, Britt, and Daniel (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RAISE THE AGE OF JUVENILE JURISDICTION TO INCLUDE SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE COMMITTED MISDEMEANOR OFFENSES; TO PROVIDE A VICTIM THE OPPORTUNITY TO REQUEST REVIEW OF DECISION NOT TO FILE A PETITION; TO INCREASE THE INFORMATION AVAILABLE ON JUVENILES TO LAW ENFORCEMENT AND FOR COURT PROCEEDINGS; TO AUTHORIZE SCHOOL-JUSTICE PARTNERSHIPS STATEWIDE TO REDUCE SCHOOL-BASED REFERRALS TO THE JUVENILE COURT SYSTEM; TO REQUIRE REGULAR JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS; AND TO ESTABLISH THE JUVENILE JURISDICTION ADVISORY COMMITTEE.

The General Assembly of North Carolina enacts:

**PART I. INCREASE THE AGE OF JUVENILE JURISDICTION, EXCEPT FOR CERTAIN FELONIES**

**SECTION 1.1.** G.S. 7B-1501 reads as rewritten:

**"§ 7B-1501. Definitions.**

In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings. The singular includes the plural, unless otherwise specified.

...

(7) Delinquent juvenile. –

a. Any juvenile who, while less than 16 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 violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.

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

...

(27a) Victim. – Any individual or entity against whom a crime or infraction is alleged to have been committed by a juvenile based on reasonable grounds that the alleged facts are true. For purposes of Article 17 of this Chapter, the



1 term may also include a parent, guardian, or custodian of a victim under the  
2 age of 18 years.

3 ...."

4 **SECTION 1.2.** G.S. 7B-1601 reads as rewritten:

5 **"§ 7B-1601. Jurisdiction over delinquent juveniles.**

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

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

13 (b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an  
14 offense committed while the juvenile was at least 16 years of age but less than 17 years of age,  
15 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the  
16 age of 19 years. If the offense was committed while the juvenile was at least 17 years of age,  
17 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the  
18 age of 20 years.

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

24 (c1) When delinquency proceedings for a juvenile alleged to be delinquent for an offense  
25 committed while the juvenile was at least 16 years of age but less than 17 years of age cannot  
26 be concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for  
27 the sole purpose of dismissing the petition. When delinquency proceedings for a juvenile  
28 alleged to be delinquent for an offense committed while the juvenile was at least 17 years of  
29 age cannot be concluded before the juvenile reaches the age of 20 years, the court retains  
30 jurisdiction for the sole purpose of dismissing the petition.

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

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

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

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

45 **SECTION 1.3.** G.S. 7B-1604(a) reads as rewritten:

46 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who  
47 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~date the juvenile has  
48 reached the age of 18 years is subject to prosecution as an adult. A juvenile who is emancipated  
49 shall be prosecuted as an adult for the commission of a criminal offense."

50 **SECTION 1.4.** G.S. 7B-2200 reads as rewritten:

51 **"§ 7B-2200. Transfer of jurisdiction of a juvenile under the age of 16 to superior court.**

1 After notice, hearing, and a finding of probable cause the court may, upon motion of the  
2 prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a  
3 juvenile to superior court if the juvenile was at least 13 years of age or older but less than 16  
4 years of age at the time the juvenile allegedly committed an offense that would be a felony if  
5 committed by an adult. If the alleged felony constitutes a Class A felony and the court finds  
6 probable cause, the court shall transfer the case to the superior court for trial as in the case of  
7 adults."

8 **SECTION 1.5.** G.S. 7B-2506 reads as rewritten:

9 **"§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

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

- 15 a. Require that a juvenile be supervised in the juvenile's own home by  
16 the department of social services in the juvenile's county, a juvenile  
17 court counselor, or other personnel as may be available to the court,  
18 subject to conditions applicable to the parent, guardian, or custodian  
19 or the juvenile as the judge may specify; or
- 20 b. Place the juvenile in the custody of a parent, guardian, custodian,  
21 relative, private agency offering placement services, or some other  
22 suitable person; or
- 23 c. If the director of the county department of social services has  
24 received notice and an opportunity to be heard, place the juvenile in  
25 the custody of the department of social services in the county of his  
26 residence, or in the case of a juvenile who has legal residence outside  
27 the State, in the physical custody of a department of social services in  
28 the county where the juvenile is found so that agency may return the  
29 juvenile to the responsible authorities in the juvenile's home state. An  
30 order placing a juvenile in the custody or placement responsibility of  
31 a county department of social services shall contain a finding that the  
32 juvenile's continuation in the juvenile's own home would be contrary  
33 to the juvenile's best interest. This placement shall be reviewed in  
34 accordance with G.S. 7B-906.1. The director may, unless otherwise  
35 ordered by the judge, arrange for, provide, or consent to, needed  
36 routine or emergency medical or surgical care or treatment. In the  
37 case where the parent is unknown, unavailable, or unable to act on  
38 behalf of the juvenile or juveniles, the director may, unless otherwise  
39 ordered by the judge, arrange for, provide, or consent to any  
40 psychiatric, psychological, educational, or other remedial evaluations  
41 or treatment for the juvenile placed by a judge or his designee in the  
42 custody or physical custody of a county department of social services  
43 under the authority of this or any other Chapter of the General  
44 Statutes. Prior to exercising this authority, the director shall make  
45 reasonable efforts to obtain consent from a parent, guardian, or  
46 custodian of the affected juvenile. If the director cannot obtain  
47 consent, the director shall promptly notify the parent, guardian, or  
48 custodian that care or treatment has been provided and shall give the  
49 parent, guardian, or custodian frequent status reports on the  
50 circumstances of the juvenile. Upon request of a parent, guardian, or  
51 custodian of the affected juvenile, the results or records of the

1                   aforementioned evaluations, findings, or treatment shall be made  
2                   available to the parent, guardian, or custodian by the director unless  
3                   prohibited by G.S. 122C-53(d).

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

- 8           a.     An education related to the needs or abilities of the juvenile  
9           including vocational education or special education;  
10          b.     A suitable plan of supervision or placement; or  
11          c.     Some other plan that the court finds to be in the best interests of the  
12          juvenile.

13           ...."

14           **SECTION 1.6.** G.S. 7B-2507 reads as rewritten:

15   "**§ 7B-2507. Delinquency history levels.**

16       (a)   Generally. – The delinquency history level for a delinquent juvenile is determined  
17       by calculating the sum of the points assigned to each of the juvenile's prior adjudications or  
18       convictions and to the juvenile's probation status, if any, that the court finds to have been  
19       proved in accordance with this section. For the purposes of this section, a prior adjudication is  
20       an adjudication of an offense that occurs before the adjudication of the offense before the court.

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

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

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

25           (2a) For each prior conviction of a Class A through E felony, 2 points.

26           (2b) For each prior conviction of a Class F through I felony or Class A1  
27           misdemeanor offense, excluding conviction of the motor vehicle laws, 2  
28           points.

29           (2c) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),  
30           impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor  
31           death by vehicle (G.S. 20-141.4(a2)), 2 points.

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

34           (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,  
35           excluding conviction for violation of the motor vehicle laws, 1 point.

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

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

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

40           (1)   Low – No more than 1 point.

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

42           (3)   High – At least 4 points.

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

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

50       (e)   Classification of Prior Adjudications or Convictions From Other Jurisdictions. –  
51       Except as otherwise provided in this subsection, an adjudication or conviction occurring in a

1 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in  
2 which the offense occurred classifies the offense as a felony, or is classified as a Class 3  
3 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a  
4 misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense  
5 classified as a felony in the other jurisdiction is substantially similar to an offense that is a  
6 misdemeanor in North Carolina, the adjudication or conviction is treated as that class of  
7 misdemeanor for assigning delinquency history level points. If the State proves by the  
8 preponderance of the evidence that an offense classified as either a misdemeanor or a felony in  
9 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as  
10 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for  
11 assigning delinquency history level points. If the State proves by the preponderance of the  
12 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially  
13 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication  
14 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level  
15 points.

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

- 18 (1) Stipulation of the parties.
- 19 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication  
20 or conviction.
- 21 (3) A copy of records maintained by the Department of Public Safety or by the  
22 Division.
- 23 (4) Any other method found by the court to be reliable.

24 The State bears the burden of proving, by a preponderance of the evidence, that a prior  
25 adjudication or conviction exists and that the juvenile before the court is the same person as the  
26 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of  
27 the court records or a copy of the records maintained by the Department of Public Safety or of  
28 the Division, bearing the same name as that by which the juvenile is charged, is prima facie  
29 evidence that the juvenile named is the same person as the juvenile before the court, and that  
30 the facts set out in the record are true. For purposes of this subsection, "a copy" includes a  
31 paper writing containing a reproduction of a record maintained electronically on a computer or  
32 other data processing equipment, and a document produced by a facsimile machine. The  
33 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full  
34 record. Evidence presented by either party at trial may be utilized to prove prior  
35 ~~adjudications.~~ adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish  
36 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time  
37 sufficient to allow the juvenile to determine if the record available to the prosecutor is  
38 accurate."

39 **SECTION 1.7.** G.S. 7B-2513(a) reads as rewritten:

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

43 (a1) ~~In no event shall~~ For an offense the juvenile committed prior to reaching the age of  
44 16 years, the term shall not exceed:

- 45 (1) The twenty-first birthday of the juvenile if the juvenile has been committed  
46 to the Division for an offense that would be first-degree murder pursuant to  
47 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree  
48 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense  
49 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant  
50 to G.S. 14-27.29 if committed by an adult;

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

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

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

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

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

22 **SECTION 1.8.** G.S. 7B-2515(a) reads as rewritten:

23 "(a) In determining whether a juvenile who was committed prior to the juvenile reaching  
24 the age of 16 years should be released before the juvenile's 18th birthday, the Division shall  
25 consider the protection of the public and the likelihood that continued placement will lead to  
26 further rehabilitation. If the Division does not intend to release the juvenile who was committed  
27 prior to the juvenile reaching the age of 16 years prior to the juvenile's eighteenth birthday, or if  
28 the Division determines that the juvenile's commitment should be continued beyond the  
29 maximum commitment period as set forth in ~~G.S. 7B-2513(a)~~, G.S. 7B-2513(a1), the Division  
30 shall notify the juvenile and the juvenile's parent, guardian, or custodian in writing at least 30  
31 days in advance of the juvenile's eighteenth birthday or the end of the maximum commitment  
32 period, of the additional specific commitment period proposed by the Division, the basis for  
33 extending the commitment period, and the plan for future care or treatment."

34 **SECTION 1.9.** G.S. 7B-2603(b) reads as rewritten:

35 "(b) Once an order of transfer has been entered by the district court, the juvenile has the  
36 right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. ~~The~~  
37 ~~release order shall specify the person or persons to whom the juvenile may be released. Pending~~  
38 ~~release, the court shall order that the juvenile be detained in a detention facility while awaiting~~  
39 ~~trial. The court may order the juvenile to be held in a holdover facility as defined by G.S.~~  
40 ~~7B-1501 at any time the presence of the juvenile is required in court for pretrial hearings or~~  
41 ~~trial, if the court finds that it would be inconvenient to return the juvenile to the detention~~  
42 ~~facility. Pending release, the juvenile shall be detained pursuant to G.S. 7B-2204."~~

43 **SECTION 1.10.** G.S. 5A-31(a) reads as rewritten:

44 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six  
45 years of age, (ii) is not yet ~~16~~18 years of age, and (iii) has not been convicted of any crime in  
46 superior court, is contempt by a juvenile:

47 "...."

48 **SECTION 1.11.** G.S. 5A-34(b) reads as rewritten:

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

51 (1) ~~Is 16 years of age or older;~~

- 1 (2) Is married or otherwise emancipated; or  
2 (3) Before the act or omission, was convicted in superior court of any criminal  
3 offense."

4 **SECTION 1.12.** G.S. 14-316.1 reads as rewritten:

5 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

6 Any person who is at least ~~16~~18 years old who knowingly or willfully causes, encourages,  
7 or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to  
8 commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or  
9 neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1  
10 misdemeanor.

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

19 **SECTION 1.13.** G.S. 143B-805(6) reads as rewritten:

20 "(6) Delinquent juvenile. –

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

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

29 **SECTION 1.14.** G.S. 143B-806(b) is amended by adding a new subdivision to

30 read:

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

34  
35 **PART II. VICTIM REQUEST/REVIEW OF DECISION NOT TO FILE A PETITION**

36 **SECTION 2.1.** G.S. 7B-1703(c) reads as rewritten:

37 "(c) If the juvenile court counselor determines that a petition should not be filed, the  
38 juvenile court counselor shall notify the complainant and the victim, if the complainant is not  
39 the victim, immediately in writing with specific reasons for the ~~decision~~decision, whether or  
40 not legal sufficiency was found, and whether the matter was closed or diverted and retained,  
41 and shall include notice of the complainant's and victim's right to have the decision reviewed by  
42 the prosecutor. The juvenile court counselor shall sign the complaint after indicating on it:

- 43 (1) The date of the determination;  
44 (2) The words "Not Approved for Filing"; and  
45 (3) Whether the matter is "Closed" or "Diverted and Retained".

46 Except as provided in G.S. 7B-1706, any complaint not approved for filing as a juvenile  
47 petition shall be destroyed by the juvenile court counselor after holding the complaint for a  
48 temporary period to allow review as provided in G.S. 7B-1705."

49 **SECTION 2.2.** G.S. 7B-1704 reads as rewritten:

50 **"§ 7B-1704. Request for review by prosecutor.**

1 The complainant ~~has~~ and the victim have five calendar days, from receipt of the juvenile  
2 court counselor's decision not to approve the filing of a petition, to request review by the  
3 prosecutor. The juvenile court counselor shall notify the prosecutor immediately of such  
4 request and shall transmit to the prosecutor a copy of the complaint. The prosecutor shall notify  
5 the ~~complainant~~ complainant, the victim, and the juvenile court counselor of the time and place  
6 for the review."

7 **SECTION 2.3.** G.S. 7B-1705 reads as rewritten:

8 "**§ 7B-1705. Review of determination that petition should not be filed.**

9 No later than 20 days after the complainant ~~is~~ and the victim are notified, the prosecutor  
10 shall review the juvenile court counselor's determination that a juvenile petition should not be  
11 filed. Review shall include conferences with the ~~complainant~~ complainant, the victim, and the  
12 juvenile court counselor. At the conclusion of the review, the prosecutor shall: (i) affirm the  
13 decision of the juvenile court counselor or direct the filing of a petition and (ii) notify the  
14 complainant and the victim of the prosecutor's action."

15 **SECTION 2.4.** G.S. 143B-806(b) is amended by adding a new subdivision to read:

16 "(14a) Develop and administer a system to provide information to victims and  
17 complainants regarding the status of pending complaints and the right of a  
18 complainant and victim to request review under G.S. 7B-1704 of a decision  
19 to not file a petition."  
20

### 21 **PART III. INCREASE INFORMATION AVAILABLE ON JUVENILES TO LAW** 22 **ENFORCEMENT AND FOR COURT PROCEEDINGS**

23 **SECTION 3.1.** G.S. 7B-3001 reads as rewritten:

24 "**§ 7B-3001. Other records relating to juveniles.**

25 (a) The chief court counselor shall maintain a record of all cases of juveniles under  
26 supervision of juvenile court counselors, to be known as the juvenile court counselor's record.  
27 The juvenile court counselor's record shall include the juvenile's delinquency record;  
28 consultations with law enforcement that did not result in the filing of a complaint; family  
29 background information; reports of social, medical, psychiatric, or psychological information  
30 concerning a juvenile or the juvenile's family; probation reports; interviews with the juvenile's  
31 family; or other information the court finds should be protected from public inspection in the  
32 best interests of the juvenile.

33 (a1) To assist at the time of investigation of an incident that could result in the filing of a  
34 complaint, upon request, a juvenile court counselor shall share with a law enforcement officer  
35 sworn in this State information from the juvenile court counselor's record related to a juvenile's  
36 delinquency record or prior consultations with law enforcement. A law enforcement officer  
37 may not obtain copies of any part of the record, and all information shared pursuant to this  
38 subsection shall be withheld from public inspection as provided in subsection (b) of this  
39 section.

40 (b) Unless jurisdiction of the juvenile has been transferred to superior court, all law  
41 enforcement records and files concerning a juvenile shall be kept separate from the records and  
42 files of adults and shall be withheld from public inspection. The following persons may  
43 examine and obtain copies of law enforcement records and files concerning a juvenile without  
44 an order of the court:

- 45 (1) The juvenile or the juvenile's attorney;
- 46 (2) The juvenile's parent, guardian, custodian, or the authorized representative of  
47 the juvenile's parent, guardian, or custodian;
- 48 (3) The prosecutor;
- 49 (4) Juvenile court counselors; and
- 50 (5) Law enforcement officers sworn in this State.

51 Otherwise, the records and files may be examined or copied only by order of the court.



1 (c) All records and files maintained by the Division pursuant to this Chapter shall be  
2 withheld from public inspection. The following persons may examine and obtain copies of the  
3 Division records and files concerning a juvenile without an order of the court:

- 4 (1) The juvenile and the juvenile's attorney;
- 5 (2) The juvenile's parent, guardian, custodian, or the authorized representative of  
6 the juvenile's parent, guardian, or custodian;
- 7 (3) Professionals in the agency who are directly involved in the juvenile's case;  
8 and
- 9 (4) Juvenile court counselors.

10 Otherwise, the records and files may be examined or copied only by order of the court. The  
11 court may inspect and order the release of records maintained by the Division.

12 (d) When the Section of Community Corrections of the Division of Adult Correction of  
13 the Department of Public Safety is authorized to access a juvenile record pursuant to  
14 G.S. 7B-3000(e1), the Division may, at the request of the Section of Community Corrections of  
15 the Division of Adult Correction, notify the Section of Community Corrections of the Division  
16 of Adult Correction that there is a juvenile record of an adjudication of delinquency for an  
17 offense that would be a felony if committed by an adult for a person subject to probation  
18 supervision under Article 82 of Chapter 15A of the General Statutes and may notify the Section  
19 of Community Corrections of the Division of Adult Correction of the county or counties where  
20 the adjudication of delinquency occurred."

21 **SECTION 3.2.(a)** By July 1, 2018, the Administrative Office of the Courts shall  
22 expand access to its automated electronic information management system for juvenile courts,  
23 JWisE, to include prosecutors and attorneys representing juveniles in juvenile court  
24 proceedings. Access shall be limited to examining electronic records related to juvenile  
25 delinquency information. Other information contained in JWisE, such as any records pertaining  
26 to abuse, neglect, and dependency or termination of parental rights, shall not be made available  
27 to a prosecutor or juvenile's attorney through JWisE.

28 **SECTION 3.2.(b)** Due to the increased mobility of North Carolina citizens across  
29 counties, the Administrative Office of the Courts shall develop a statewide search function for  
30 all users of the JWisE computer system to improve tracking information of juvenile records, by  
31 July 1, 2018.

#### 32 **PART IV. SCHOOL-JUSTICE PARTNERSHIPS TO REDUCE SCHOOL-BASED** 33 **REFERRALS TO JUVENILE COURTS**

34 **SECTION 4.** G.S. 7A-343 reads as rewritten:

35 **"§ 7A-343. Duties of Director.**

36 The Director is the Administrative Officer of the Courts, and the Director's duties include  
37 all of the following:

- 38 ...
- 39 (9g) Prescribe policies and procedures for Chief District Court Judges to establish  
40 School-Justice Partnerships with local law enforcement agencies, local  
41 boards of education, and local school administrative units with the goal of  
42 reducing in-school arrests, out-of-school suspension, and expulsions.

43 ...."

#### 44 **PART V. JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

45 **SECTION 5.(a)** G.S. 17C-6(a) reads as rewritten:

46 **"§ 17C-6. Powers of Commission.**

47 (a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the  
48 Commission shall have the following powers, which shall be enforceable through its rules and  
49 regulations, certification procedures, or the provisions of G.S. 17C-10:  
50  
51

- 1 ...
- 2 (2) Establish minimum educational and training standards that must be met in
- 3 order to qualify for entry level employment and retention as a criminal
- 4 justice officer in temporary or probationary status or in a permanent position.
- 5 The standards for entry level employment shall include ~~education~~all of the
- 6 following:
- 7 a. Education and training in response to, and investigation of, domestic
- 8 violence cases, as well as training in investigation for evidence-based
- 9 prosecutions.
- 10 b. Education and training on juvenile justice issues, including (i) the
- 11 handling and processing of juvenile matters for referrals, diversion,
- 12 arrests, and detention; (ii) best practices for handling incidents
- 13 involving juveniles; (iii) adolescent development and psychology;
- 14 and (iv) promoting relationship building with youth as a key to
- 15 delinquency prevention.
- 16 ...
- 17 (14) Establish minimum standards for in-service training for criminal justice
- 18 officers. In-service training standards shall include ~~training~~all of the
- 19 following:
- 20 a. Training in response to, and investigation of, domestic violence
- 21 cases, as well as training investigation for evidence-based
- 22 prosecutions.
- 23 b. Training on juvenile justice issues, including (i) the handling and
- 24 processing of juvenile matters for referrals, diversion, arrests, and
- 25 detention; (ii) best practices for handling incidents involving
- 26 juveniles; (iii) adolescent development and psychology; and (iv)
- 27 promoting relationship building with youth as a key to delinquency
- 28 prevention.
- 29 (15) Establish minimum standards and levels of training for certification of
- 30 instructors for the domestic violence training and juvenile justice training
- 31 required by subdivisions (2) and (14) of this subsection.

32 ...."

33 **SECTION 5.(b)** G.S. 17E-4(a) reads as rewritten:

34 "**§ 17E-4. Powers and duties of the Commission.**

35 (a) The Commission shall have the following powers, duties, and responsibilities,  
36 which are enforceable through its rules and regulations, certification procedures, or the  
37 provisions of G.S. 17E-8 and G.S. 17E-9:

- 38 ...
- 39 (2) Establish minimum educational and training standards that may be met in
- 40 order to qualify for entry level employment as an officer in temporary or
- 41 probationary status or in a permanent position. The standards for entry level
- 42 employment of officers shall include ~~training~~all of the following:
- 43 a. Training in response to, and investigation of, domestic violence
- 44 cases, as well as training in investigation for evidence-based
- 45 prosecutions. For purposes of the domestic violence training
- 46 requirement, the term "officers" shall include justice officers as
- 47 defined in G.S. 17E-2(3)a., except that the term shall not include
- 48 "special deputy sheriffs" as defined in ~~G.S.~~  
49 ~~17E-2(3)a.;~~G.S. 17E-2(3)a.
- 50 b. Training on juvenile justice issues, including (i) the handling and
- 51 processing of juvenile matters for referrals, diversion, arrests, and

1 detention; (ii) best practices for handling incidents involving  
 2 juveniles; (iii) adolescent development and psychology; and (iv)  
 3 promoting relationship building with youth as a key to delinquency  
 4 prevention.

- 5 ...
- 6 (11) Establish minimum standards for in-service training for justice officers.  
 7 In-service training standards shall include ~~training~~all of the following:
- 8 a. Training in response to, and investigation of, domestic violence  
 9 cases, as well as training in investigation for evidence-based  
 10 prosecutions. For purposes of the domestic violence training  
 11 requirement, the term "justice officer" shall include those defined in  
 12 G.S. 17E-2(3)a., except that the term shall not include "special  
 13 deputy sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.
- 14 b. Training on juvenile justice issues, including (i) the handling and  
 15 processing of juvenile matters for referrals, diversion, arrests, and  
 16 detention; (ii) best practices for handling incidents involving  
 17 juveniles; (iii) adolescent development and psychology; and (iv)  
 18 promoting relationship building with youth as a key to delinquency  
 19 prevention.
- 20 (12) Establish minimum standards and levels of training for certification of  
 21 instructors for the domestic violence training and juvenile justice training  
 22 required by subdivisions (2) and (11) of this subsection.

23 The Commission may certify, and no additional certification shall be required from it,  
 24 programs, courses and teachers certified by the North Carolina Criminal Justice Education and  
 25 Training Standards Commission. Where the Commission determines that a program, course,  
 26 instructor, or teacher is required for an area which is unique to the office of sheriff, the  
 27 Commission may certify such program, course, instructor, or teacher under such standards and  
 28 procedures as it may establish."

29 **SECTION 5.(c)** In developing and implementing the education and training  
 30 required by subsections (a) and (b) of this section, the North Carolina Criminal Justice  
 31 Education and Training Standards Commission and the North Carolina Sheriffs' Education and  
 32 Training Standards Commission shall work with the Division of Adult Correction and Juvenile  
 33 Justice of the Department of Public Safety.

## 34 **PART VI. ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

35 **SECTION 6.(a)** Advisory Committee Established. – There is established within  
 36 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the  
 37 Juvenile Jurisdiction Advisory Committee. The Division of Adult Correction and Juvenile  
 38 Justice shall provide professional and clerical staff and other services and supplies, including  
 39 meeting space, as needed, for the Advisory Committee to carry out its duties in an effective  
 40 manner.  
 41

42 **SECTION 6.(b)** Membership. – The Advisory Committee shall consist of 21  
 43 members. The following members or their designees shall serve as ex officio members:

- 44 (1) The Deputy Commissioner for Juvenile Justice of the Division of Adult  
 45 Correction and Juvenile Justice of the Department of Public Safety.
- 46 (2) The Director of the Administrative Office of the Courts.
- 47 (3) The Director of the Division of Mental Health, Developmental Disabilities,  
 48 and Substance Abuse Services of the Department of Health and Human  
 49 Services.
- 50 (4) The Superintendent of Public Instruction.
- 51 (5) The Juvenile Defender in the Office of Indigent Defense.

- 1 (6) The Executive Director of the North Carolina Sentencing and Policy  
2 Advisory Commission.
- 3 (7) One representative from the Juvenile Justice Planning Committee of the  
4 Governor's Crime Commission.
- 5 The remaining members shall be appointed as follows:
- 6 (8) Two chief court counselors appointed by the Governor, one to be from a  
7 rural county and one from an urban county.
- 8 (9) One chief district court judge and one superior court judge appointed by the  
9 Chief Justice of the North Carolina Supreme Court.
- 10 (10) One police chief appointed by the President Pro Tempore of the Senate.
- 11 (11) One sheriff appointed by the Speaker of the House of Representatives.
- 12 (12) One clerk of superior court appointed by the President Pro Tempore of the  
13 Senate.
- 14 (13) One district attorney appointed by the Speaker of the House of  
15 Representatives.
- 16 (14) One assistant district attorney who handles juvenile matters appointed by the  
17 Conference of District Attorneys.
- 18 (15) One assistant public defender who handles juvenile matters appointed by the  
19 North Carolina Association of Public Defenders.
- 20 (16) Two representatives from the juvenile advocacy community, one appointed  
21 by the President Pro Tempore of the Senate and one appointed by the  
22 Speaker of the House of Representatives.
- 23 (17) Two representatives from the victim advocacy community, one appointed by  
24 the President Pro Tempore of the Senate and one appointed by the Speaker  
25 of the House of Representatives.

26 Appointments to the Advisory Committee shall be made no later than October 1,  
27 2017. A vacancy in the Advisory Committee or a vacancy as chair of the Advisory Committee  
28 resulting from the resignation of a member or otherwise shall be filled in the same manner in  
29 which the original appointment was made.

30 **SECTION 6.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and  
31 the Speaker of the House of Representatives shall each designate one member to serve as  
32 cochair of the Advisory Committee.

33 The cochairs shall call the initial meeting of the Advisory Committee on or before  
34 November 1, 2017. The Advisory Committee shall subsequently meet upon such notice and in  
35 such manner as its members determine. A majority of the members of the Advisory Committee  
36 shall constitute a quorum.

37 **SECTION 6.(d)** Cooperation by Government Agencies. – The Advisory  
38 Committee may call upon any department, agency, institution, or officer of the State or any  
39 political subdivision thereof for facilities, data, or other assistance.

40 **SECTION 6.(e)** Duties of Advisory Committee. – The Advisory Committee shall  
41 develop a specific plan for the implementation of any changes in the juvenile justice system  
42 that would be required in order to extend jurisdiction in delinquency matters and proceedings to  
43 include 16- and 17-year-old persons within the juvenile justice system. The plan shall include  
44 cost estimates for each portion of the plan, including capital costs, operating costs, and staffing  
45 costs. As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons  
46 16 and 17 years of age who commit crimes or infractions becomes effective pursuant to this  
47 act, the Advisory Committee shall monitor and review the implementation of the expansion and  
48 shall make additional recommendations to the General Assembly as necessary.

49 **SECTION 6.(f)** Consultation. – The Advisory Committee shall consult with  
50 appropriate State departments, agencies, and board representatives on issues related to juvenile  
51 justice administration.

1           **SECTION 6.(g)** Report. – The Advisory Committee shall submit an interim report  
2 containing the specific plan and the cost estimates for capital, operating, and staffing costs for  
3 implementation of this act, including legislative, administrative, and funding recommendations  
4 necessary to implement the increase in juvenile jurisdiction to include 16- and 17-year-old  
5 persons by April 1, 2018, to the General Assembly with copies to the Joint Legislative  
6 Oversight Committee on Justice and Public Safety and to the Appropriations Committees on  
7 Justice and Public Safety of both houses. The Advisory Committee shall submit additional  
8 interim reports with updates on the planning steps completed towards implementation,  
9 including any legislative, administrative, and funding recommendations, annually by January  
10 15 of each year. The Advisory Committee shall submit a final report on the implementation of  
11 this act, and its findings and recommendations, including legislative, administrative, and  
12 funding recommendations, by January 15, 2023, to the General Assembly and the Governor.  
13 The Advisory Committee shall terminate on February 1, 2023, or upon the filing of its final  
14 report, whichever occurs earlier.

15           **SECTION 6.(h)** Funding. – The Advisory Committee may apply for, receive, and  
16 accept grants of non-State funds or other contributions, as appropriate, to assist in the  
17 performance of its duties.

## 18 **PART VII. EFFECTIVE DATE**

19           **SECTION 7.** Part I of this act becomes effective December 1, 2019, and applies to  
20 offenses committed on or after that date. Part II and Section 3.1 of this act become effective  
21 July 1, 2017, and Part II applies to all complaints filed on or after that date. Except as otherwise  
22 provided in this act, the remainder of this act is effective when it becomes law. Prosecutions or  
23 delinquency proceedings initiated for offenses committed before any particular section of this  
24 act becomes effective are not abated or affected by this act, and the statutes that are in effect on  
25 the dates the offenses are committed remain applicable to those prosecutions.  
26