

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

FILED SENATE
Feb 28, 2017
S.B. 146
PRINCIPAL CLERK

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SENATE BILL DRS35067-MK-59B* (01/27)

Short Title: Juvenile Reinvestment Act.

(Public)

Sponsors: Senators Lowe and Ford (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, EXCEPT IN THE CASE OF CERTAIN FELONIES; 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 IMPLEMENT 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(7) reads as rewritten:

"(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 crime or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31."

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

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

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

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



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

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

12 **(c1)** When delinquency proceedings for a juvenile alleged to be delinquent for an offense
13 committed while the juvenile was at least 16 years of age but less than 17 years of age cannot be
14 concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for the sole
15 purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring
16 the case to superior court for trial as an adult or dismissing the petition. When delinquency
17 proceedings for a juvenile alleged to be delinquent for an offense committed while the juvenile
18 was at least 17 years of age cannot be concluded before the juvenile reaches the age of 20 years,
19 the court retains jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22
20 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing
21 the petition.

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

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

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

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

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

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

41 **SECTION 1.4.** G.S. 7B-1901(a) reads as rewritten:

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

44 **(1)** Notify the juvenile's parent, guardian, or custodian that the juvenile has been
45 taken into temporary custody and advise the parent, guardian, or custodian of
46 the right to be present with the juvenile until a determination is made as to the
47 need for secure or nonsecure custody. Failure to notify the parent, guardian, or
48 custodian that the juvenile is in custody shall not be grounds for release of the
49 juvenile.

50 **(2)** ~~Release~~ Unless otherwise authorized in subdivision (2a) of this subsection, the
51 juvenile shall be released to the juvenile's parent, guardian, or custodian if the

1 person having the juvenile in temporary custody decides that continued custody
2 is unnecessary. In the case of a juvenile unlawfully absent from school, if
3 continued custody is unnecessary, the person having temporary custody may
4 deliver the juvenile to the juvenile's school or, if the local city or county
5 government and the local school board adopt a policy, to a place in the local
6 school administrative unit.

7 (2a) If the juvenile is at least 16 years old and is taken into custody without a court
8 order pursuant to G.S. 7B-1900(1) and if the person having the juvenile in
9 temporary custody, while exercising reasonable discretion, decides that
10 continued custody is unnecessary, the juvenile may be released without the
11 presence of the juvenile's parent, guardian, or custodian.

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

19 **SECTION 1.5.** G.S. 7B-2200 reads as rewritten:

20 **"§ 7B-2200. Transfer of jurisdiction of a juvenile under the age of 16 to superior court.**

21 ~~After~~ Except as otherwise provided in G.S. 7B-2200.5, after notice, hearing, and a finding of
22 probable cause the court may, upon motion of the prosecutor or the juvenile's attorney or upon its
23 own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was at least 13
24 years of age or older but less than 16 years of age at the time the juvenile allegedly committed an
25 offense that would be a felony if committed by an adult. If the alleged felony constitutes a Class A
26 felony and the court finds probable cause, the court shall transfer the case to the superior court for
27 trial as in the case of adults."

28 **SECTION 1.6.** Article 22 of Chapter 7B of the General Statutes is amended by adding
29 a new section to read:

30 **"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.**

31 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed
32 an offense that would be a Class A, B, C, D, or E felony if committed by an adult, the court shall
33 transfer jurisdiction over the juvenile to superior court for trial as in the case of adults after notice,
34 hearing, and a finding of either of the following:

35 (1) Return of a bill of indictment against the juvenile charging the commission of
36 an offense that constitutes a Class A, B, C, D, or E felony.

37 (2) Probable cause that the alleged offense committed by the juvenile constitutes a
38 Class A, B, C, D, or E felony.

39 (b) If the juvenile was 16 years of age or older at the time the juvenile allegedly committed
40 an offense that would be a Class F, G, H, or I felony if committed by an adult, after notice,
41 hearing, and a finding of probable cause, the court may, upon motion of the prosecutor or the
42 juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court."

43 **SECTION 1.7.** G.S. 7B-2202(a) reads as rewritten:

44 (a) ~~The~~ Except as otherwise provided in G.S. 7B-2200.5(a)(1), the court shall conduct a
45 hearing to determine probable cause in all felony cases in which a juvenile was 13 years of age or
46 older when the offense was allegedly committed. The hearing shall be conducted within 15 days of
47 the date of the juvenile's first appearance. The court may continue the hearing for good cause."

48 **SECTION 1.8.** G.S. 7B-2506 reads as rewritten:

49 **"§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

- 1 (1) In the case of any juvenile under the age of 18 years who needs more adequate
2 care or supervision or who needs placement, the judge may:
- 3 a. Require that a juvenile be supervised in the juvenile's own home by the
4 department of social services in the juvenile's county, a juvenile court
5 counselor, or other personnel as may be available to the court, subject to
6 conditions applicable to the parent, guardian, or custodian or the
7 juvenile as the judge may specify; or
- 8 b. Place the juvenile in the custody of a parent, guardian, custodian,
9 relative, private agency offering placement services, or some other
10 suitable person; or
- 11 c. If the director of the county department of social services has received
12 notice and an opportunity to be heard, place the juvenile in the custody
13 of the department of social services in the county of his residence, or in
14 the case of a juvenile who has legal residence outside the State, in the
15 physical custody of a department of social services in the county where
16 the juvenile is found so that agency may return the juvenile to the
17 responsible authorities in the juvenile's home state. An order placing a
18 juvenile in the custody or placement responsibility of a county
19 department of social services shall contain a finding that the juvenile's
20 continuation in the juvenile's own home would be contrary to the
21 juvenile's best interest. This placement shall be reviewed in accordance
22 with G.S. 7B-906.1. The director may, unless otherwise ordered by the
23 judge, arrange for, provide, or consent to, needed routine or emergency
24 medical or surgical care or treatment. In the case where the parent is
25 unknown, unavailable, or unable to act on behalf of the juvenile or
26 juveniles, the director may, unless otherwise ordered by the judge,
27 arrange for, provide, or consent to any psychiatric, psychological,
28 educational, or other remedial evaluations or treatment for the juvenile
29 placed by a judge or his designee in the custody or physical custody of a
30 county department of social services under the authority of this or any
31 other Chapter of the General Statutes. Prior to exercising this authority,
32 the director shall make reasonable efforts to obtain consent from a
33 parent, guardian, or custodian of the affected juvenile. If the director
34 cannot obtain consent, the director shall promptly notify the parent,
35 guardian, or custodian that care or treatment has been provided and shall
36 give the parent, guardian, or custodian frequent status reports on the
37 circumstances of the juvenile. Upon request of a parent, guardian, or
38 custodian of the affected juvenile, the results or records of the
39 aforementioned evaluations, findings, or treatment shall be made
40 available to the parent, guardian, or custodian by the director unless
41 prohibited by G.S. 122C-53(d).
- 42 (2) Excuse ~~the~~ a juvenile under the age of 16 years from compliance with the
43 compulsory school attendance law when the court finds that suitable alternative
44 plans can be arranged by the family through other community resources for one
45 of the following:
- 46 a. An education related to the needs or abilities of the juvenile including
47 vocational education or special education;
- 48 b. A suitable plan of supervision or placement; or
- 49 c. Some other plan that the court finds to be in the best interests of the
50 juvenile.

51"

1 **SECTION 1.9.** G.S. 7B-2507 reads as rewritten:

2 "**§ 7B-2507. Delinquency history levels.**

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

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

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

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

12 (2a) For each prior conviction of a Class F through I felony or Class A1
13 misdemeanor offense, excluding conviction of the motor vehicle laws, 2 points.

14 (2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
15 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
16 death by vehicle (G.S. 20-141.4(a2)), 2 points.

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

18 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense, excluding
19 conviction for violation of the motor vehicle laws, 1 point.

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

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

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

24 (1) Low – No more than 1 point.

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

26 (3) High – At least 4 points.

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

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

34 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. –
35 Except as otherwise provided in this subsection, an adjudication or conviction occurring in a
36 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in which
37 the offense occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if
38 the jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the
39 juvenile proves by the preponderance of the evidence that an offense classified as a felony in the
40 other jurisdiction is substantially similar to an offense that is a misdemeanor in North Carolina, the
41 adjudication or conviction is treated as that class of misdemeanor for assigning delinquency
42 history level points. If the State proves by the preponderance of the evidence that an offense
43 classified as either a misdemeanor or a felony in the other jurisdiction is substantially similar to an
44 offense in North Carolina that is classified as a Class I felony or higher, the adjudication or
45 conviction is treated as that class of felony for assigning delinquency history level points. If the
46 State proves by the preponderance of the evidence that an offense classified as a misdemeanor in
47 the other jurisdiction is substantially similar to an offense classified as a Class A1 misdemeanor in
48 North Carolina, the adjudication or conviction is treated as a Class A1 misdemeanor for assigning
49 delinquency history level points.

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

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

7 The State bears the burden of proving, by a preponderance of the evidence, that a prior
8 adjudication or conviction exists and that the juvenile before the court is the same person as the
9 juvenile named in the prior ~~adjudication~~adjudication or conviction. The original or a copy of the
10 court records or a copy of the records maintained by the Department of Public Safety or of the
11 Division, bearing the same name as that by which the juvenile is charged, is prima facie evidence
12 that the juvenile named is the same person as the juvenile before the court, and that the facts set
13 out in the record are true. For purposes of this subsection, "a copy" includes a paper writing
14 containing a reproduction of a record maintained electronically on a computer or other data
15 processing equipment, and a document produced by a facsimile machine. The prosecutor shall
16 make all feasible efforts to obtain and present to the court the juvenile's full record. Evidence
17 presented by either party at trial may be utilized to prove prior ~~adjudications~~adjudications or
18 convictions. If asked by the juvenile, the prosecutor shall furnish the juvenile's prior adjudications
19 or convictions to the juvenile within a reasonable time sufficient to allow the juvenile to determine
20 if the record available to the prosecutor is accurate."

21 **SECTION 1.10.** G.S. 7B-2513(a) reads as rewritten:

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

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

- 27 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
28 the Division for an offense that would be first-degree murder pursuant to
29 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
30 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
31 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to
32 G.S. 14-27.29 if committed by an adult;
- 33 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to
34 the Division for an offense that would be a Class B1, B2, C, D, or E felony if
35 committed by an adult, other than an offense set forth in subdivision (1) of this
36 subsection; or
- 37 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to
38 the Division for an offense other than an offense that would be a Class A, B1,
39 B2, C, D, or E felony if committed by an adult.

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

42 (a3) For an offense the juvenile committed while the juvenile was at least 17 years of age,
43 the term shall not exceed the juvenile's twentieth birthday.

44 (a4) No juvenile shall be committed to a youth development center beyond the minimum
45 six-month commitment for a period of time in excess of the maximum term of imprisonment for
46 which an adult in prior record level VI for felonies or in prior conviction level III for
47 misdemeanors could be sentenced for the same offense, except when the Division pursuant to
48 G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an additional
49 period of time to continue care or treatment under the plan of care or treatment developed under
50 subsection (f) of this section. At the time of commitment to a youth development center, the court
51 shall determine the maximum period of time the juvenile may remain committed before a

determination must be made by the Division pursuant to G.S. 7B-2515 and shall notify the juvenile of that determination."

SECTION 1.11. G.S. 7B-2515(a) reads as rewritten:

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

SECTION 1.12. G.S. 7B-2603(b) reads as rewritten:

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

SECTION 1.13. G.S. 7B-3101(a)(2) reads as rewritten:

"(2) The court transfers jurisdiction over a juvenile to superior court under G.S. 7B-2200.5 or G.S. 7B-2200;"

SECTION 1.14. G.S. 5A-31(a) reads as rewritten:

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

...."

SECTION 1.15. G.S. 5A-34(b) reads as rewritten:

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

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

SECTION 1.16. G.S. 14-208.6B reads as rewritten:

"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in superior court.

A juvenile transferred to superior court pursuant to G.S. 7B-2200 or G.S. 7B-2200.5 who is convicted of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6 shall register in person in accordance with this Article just as an adult convicted of the same offense must register."

SECTION 1.17. G.S. 14-316.1 reads as rewritten:

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

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

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

8 **SECTION 1.18.** G.S. 115C-404(a) reads as rewritten:

9 "(a) Written notifications received in accordance with G.S. 7B-3101 and information
10 gained from examination of juvenile records in accordance with G.S. 7B-3100 are confidential
11 records, are not public records as defined under G.S. 132-1, and shall not be made part of the
12 student's official record under G.S. 115C-402. Immediately upon receipt, the principal shall
13 maintain these documents in a safe, locked record storage that is separate from the student's other
14 school records. The principal shall shred, burn, or otherwise destroy documents received in
15 accordance with G.S. 7B-3100 to protect the confidentiality of the information when the principal
16 receives notification that the court dismissed the petition under G.S. 7B-2411, the court transferred
17 jurisdiction over the student to superior court under G.S. 7B-2200.5 or G.S. 7B-2200, or the court
18 granted the student's petition for expunction of the records. The principal shall shred, burn, or
19 otherwise destroy all information gained from examination of juvenile records in accordance with
20 G.S. 7B-3100 when the principal finds that the school no longer needs the information to protect
21 the safety of or to improve the educational opportunities for the student or others. In no case shall
22 the principal make a copy of these documents."

23 **SECTION 1.19.** G.S. 143B-805(6) reads as rewritten:

24 "(6) Delinquent juvenile. –

- 25 a. Any juvenile who, while less than 16 years of age but at least 6 years of
26 age, commits a crime or infraction under State law or under an
27 ordinance of local government, including violation of the motor vehicle
28 laws.
29 b. Any juvenile who, while less than 18 years of age but at least 16 years
30 of age, commits a misdemeanor or infraction under State law or under
31 an ordinance of local government, excluding violation of the motor
32 vehicle laws."

33 **SECTION 1.20.** G.S. 143B-806(b) is amended by adding a new subdivision to read:

34 "(20) Provide for the transportation to and from any State or local juvenile facility of
35 any person under the jurisdiction of the juvenile court for any purpose required
36 by Chapter 7B of the General Statutes or upon order of the court."
37

38 PART II. VICTIM REQUEST/REVIEW OF DECISION NOT TO FILE A PETITION

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

40 "(c) If the juvenile court counselor determines that a petition should not be filed, the
41 juvenile court counselor shall notify the complainant and the victim, if the victim is someone other
42 than the complainant, immediately in writing with reasons for the decision and shall include notice
43 of the complainant's and victim's right to have the decision reviewed by the prosecutor. The
44 juvenile court counselor shall sign the complaint after indicating on it:

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

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

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

1 **"§ 7B-1704. Request for review by prosecutor.**

2 The complainant ~~has and the victim have~~ five calendar days, from receipt of the juvenile court
3 counselor's decision not to approve the filing of a petition, to request review by the prosecutor.
4 The juvenile court counselor shall notify the prosecutor immediately of such request and shall
5 transmit to the prosecutor a copy of the complaint. The prosecutor shall notify the ~~complainant~~
6 complainant, the victim, and the juvenile court counselor of the time and place 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 victim are~~ notified, the prosecutor shall
10 review the juvenile court counselor's determination that a juvenile petition should not be filed.
11 Review shall include conferences with the ~~complainant~~ complainant, victim, and the juvenile court
12 counselor. At the conclusion of the review, the prosecutor shall: (i) affirm the decision of the
13 juvenile court counselor or direct the filing of a petition and (ii) notify the complainant and victim
14 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 to
19 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-3000 reads as rewritten:

24 **"§ 7B-3000. Juvenile court records.**

25 (a) The clerk shall maintain a complete record of all juvenile cases filed in the clerk's
26 office to be known as the juvenile record. The record shall include the summons and petition, any
27 secure or nonsecure custody order, any electronic or mechanical recording of hearings, and any
28 written motions, orders, or papers filed in the proceeding.

29 (b) All juvenile records shall be withheld from public inspection and, except as provided in
30 this subsection, may be examined only by order of the court. Except as provided in subsection (c)
31 of this section, the following persons may examine the juvenile's record and obtain copies of
32 written parts of the record without an order of the court:

- 33 (1) The juvenile or the juvenile's attorney;
- 34 (2) The juvenile's parent, guardian, or custodian, or the authorized representative of
35 the juvenile's parent, guardian, or custodian;
- 36 (3) The prosecutor;
- 37 (4) Court counselors; and
- 38 (5) Probation officers in the Section of Community Corrections of the Division of
39 Adult Correction of the Department of Public Safety, as provided in subsection
40 (e1) of this section and in G.S. 15A-1341(e).

41 (b1) Except as provided in subsection (c) of this section, the prosecutor may, in the
42 prosecutor's discretion, share information obtained from a juvenile's record with magistrates and
43 law enforcement officers sworn in this State, but may not allow a magistrate or law enforcement
44 officer to photocopy any part of the record.

45 (b2) Except as provided in subsection (c) of this section, the juvenile court counselor may
46 share information obtained from a juvenile's record with law enforcement officers sworn in this
47 State if the information is necessary to assist the law enforcement officer in exercising his or her
48 discretion during the investigation of an alleged offense. The juvenile court counselor shall not
49 allow a law enforcement officer to photocopy any part of the record.

50"

51 **SECTION 3.2.** G.S. 7B-3001(a) reads as rewritten:

1 "(a) The chief court counselor shall maintain a record of all cases of juveniles under
2 supervision of juvenile court counselors, to be known as the juvenile court counselor's record. The
3 juvenile court counselor's record shall include family background information; reports of social,
4 medical, psychiatric, or psychological information concerning a juvenile or the juvenile's family;
5 probation reports; interviews with the juvenile's family; consultations with law enforcement
6 officers; or other information the court finds should be protected from public inspection in the best
7 interests of the juvenile."

8 **SECTION 3.3.(a)** The Administrative Office of the Courts (AOC) shall expand
9 access to its automated electronic information management system for juvenile courts, JWisE, to
10 include prosecutors and attorneys representing juveniles in juvenile court proceedings. Access
11 shall be limited to examining electronic records related to juvenile delinquency information. Other
12 information contained in JWisE, such as any records pertaining to abuse, neglect, and dependency
13 or termination of parental rights, shall not be made available to a prosecutor or juvenile's attorney
14 through JWisE.

15 **SECTION 3.3.(b)** Due to the increased mobility of North Carolina citizens across
16 counties, the AOC shall develop a statewide search function for all users of the JWisE computer
17 system to improve tracking information of juvenile records.

18 19 **PART IV. SCHOOL-JUSTICE PARTNERSHIPS TO REDUCE SCHOOL-BASED** 20 **REFERRALS TO JUVENILE COURTS**

21 **SECTION 4.(a)** G.S. 115C-47 reads as rewritten:
22 "**§ 115C-47. Powers and duties generally.**

23 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
24 shall have the power or duty:

25 ...

26 (61) To Provide a Safe School Environment. – Local boards of education may enter
27 into an agreement with the sheriff, chief of police of a local police department,
28 or chief of police of a county police department to provide security at the
29 schools by assigning volunteer school safety resource officers who meet the
30 selection standards and criteria developed by the head of the appropriate local
31 law enforcement agency and the criteria set out in G.S. 162-26 or
32 G.S. 160A-288.4, as appropriate. The agreement shall incorporate elements of
33 the school-justice partnership established in accordance with subdivision (61a)
34 of this section, including addressing daily interactions between students, school
35 personnel, and school safety resource officers, and a graduated response model
36 for student discipline.

37 (61a) To Establish School-Justice Partnerships with Law Enforcement Agencies. –
38 Each local board of education shall develop a school-justice partnership with
39 local law enforcement agencies in the local school administrative unit with the
40 goal of reducing rates of in-school arrests, expulsions, and out-of-school
41 suspensions. The partnership shall focus on (i) providing connections for youth
42 who are at risk of arrest to appropriate school- and community-based services
43 and supports; (ii) building knowledge and skills among teachers, school staff,
44 and school safety resource officers to recognize and manage behavioral health
45 issues in the school and employ a graduated response to disciplinary actions;
46 and (iii) entering into agreements with local law enforcement agencies to
47 encourage and support diversion from the juvenile justice system without
48 compromising school safety.

49 "

50 **SECTION 4.(b)** G.S. 115C-276(r) reads as rewritten:

1 "(r) To Maintain Student Discipline. – The superintendent shall maintain student discipline
2 in accordance with Article 27 of this Chapter and shall keep data on each student to whom
3 corporal punishment was administered, who was suspended for more than 10 days, who was
4 reassigned for disciplinary reasons, who was arrested in school, or who was expelled. This data
5 shall include the race, gender, age, grade level, ethnicity, and disability status of each student, the
6 duration of suspension for each student, whether alternative education services were provided for
7 each student, and whether a student had multiple suspensions or arrests in that academic year."

8 **SECTION 4.(c)** This section becomes effective when this act becomes law and
9 applies beginning with the 2017-2018 school year.

10 11 **PART V. JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

12 **SECTION 5.** G.S. 143B-806(b) is amended by adding a new subdivision to read:

13 "(16a) Develop and implement a statewide plan for regular training of law
14 enforcement officers on juvenile justice issues, in consultation with the
15 Department of Justice. The plan shall include opportunities for law enforcement
16 officers to be trained in (i) best practices for handling incidents involving
17 juveniles, including the handling and processing of juvenile matters for arrests,
18 referrals, diversion, and detention; (ii) adolescent development and psychology;
19 and (iii) promoting relationship building with youth as a key to delinquency
20 prevention."

21 22 **PART VI. ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

23 **SECTION 6.(a)** Advisory Committee Established. – There is established within the
24 Division of Juvenile Justice of the Department of Public Safety the Juvenile Jurisdiction Advisory
25 Committee. The Division of Juvenile Justice shall provide professional and clerical staff and other
26 services and supplies, including meeting space, as needed for the Advisory Committee to carry out
27 its duties in an effective manner.

28 **SECTION 6.(b)** Membership. – The Advisory Committee shall consist of 27
29 members. The following members or their designees shall serve as ex officio members:

- 30 (1) The Chief Deputy Secretary of the Division of Juvenile Justice of the
31 Department of Public Safety.
- 32 (2) The Director of the Administrative Office of the Courts.
- 33 (3) The Director of the Division of Mental Health, Developmental Disabilities, and
34 Substance Abuse Services of the Department of Health and Human Services.
- 35 (4) The Chief Deputy Secretary of the Division of Adult Correction of the
36 Department of Public Safety.
- 37 (5) The Secretary of the Department of Public Safety.
- 38 (6) The Superintendent of Public Instruction.
- 39 (7) The Secretary of the Department of Administration or a designee having
40 knowledge of programs and services for youth and young adults.
- 41 (8) The Juvenile Defender in the Office of Indigent Defense.
- 42 (9) One representative from the Governor's Crime Commission appointed by the
43 Governor.
- 44 (10) One representative from the North Carolina Sentencing and Policy Advisory
45 Commission appointed by the Governor.

46 The remaining members shall be appointed as follows:

- 47 (11) Three members of the House of Representatives appointed by the Speaker of
48 the House of Representatives.
- 49 (12) Three members of the Senate appointed by the President Pro Tempore of the
50 Senate.

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

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

19 **SECTION 6.(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 of
21 the Advisory Committee.

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

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

29 **SECTION 6.(e)** Duties of Advisory Committee. – The Advisory Committee shall
30 develop a specific plan for the implementation of any changes in the juvenile justice system that
31 would be required in order to extend jurisdiction in delinquency matters and proceedings to
32 include 16- and 17-year-old persons within the juvenile justice system. The plan shall include cost
33 estimates for each portion of the plan, including capital costs, operating costs, and staffing costs.
34 As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons 16 and
35 17 years of age who commit crimes or infractions becomes effective pursuant to this act, the
36 Advisory Committee shall monitor and review the implementation of the expansion and shall
37 make additional recommendations to the General Assembly as necessary.

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

41 **SECTION 6.(g)** Report. – The Advisory Committee shall submit an interim report
42 containing the specific plan and the cost estimates for capital, operating, and staffing costs for
43 implementation of this act, and including legislative, administrative, and funding
44 recommendations necessary to implement the increase in juvenile jurisdiction to include 16- and
45 17-year-old persons by January 15, 2018, to the General Assembly with copies to the Joint
46 Legislative Oversight Committee on Justice and Public Safety and to the Appropriations
47 Committees on Justice and Public Safety of both houses. The Advisory Committee shall submit
48 additional interim reports with updates on the planning steps completed toward implementation,
49 including any legislative, administrative, and funding recommendations, annually by January 15
50 of each year. The Advisory Committee shall submit a final report on the implementation of this
51 act, and its findings and recommendations, including legislative, administrative, and funding

1 recommendations, by January 15, 2023, to the General Assembly and the Governor. The Advisory
2 Committee shall terminate on February 1, 2023, or upon the filing of its final report, whichever
3 occurs earlier.

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

7
8 **PART VII. EFFECTIVE DATE**

9 **SECTION 7.** Part I and Section 3.3 of this act become effective July 1, 2018. Part I of
10 this act applies to offenses committed on or after July 1, 2018. Except as otherwise provided, the
11 remainder of this act is effective when it becomes law. Prosecutions or delinquency proceedings
12 initiated for offenses committed before any particular section of this act becomes effective are not
13 abated or affected by this act, and the statutes that are in effect on the dates the offenses are
14 committed remain applicable to those prosecutions.