

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 347  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30127-MV-101

Short Title: No Delinquent/Undisciplined Under 10 Yrs Old. (Public)

Sponsors: Representatives Morey, Horn, McGrady, and Harrison (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE DEFINITIONS OF DELINQUENT JUVENILE AND  
3 UNDISCIPLINED JUVENILE TO INCLUDE ONLY JUVENILES AT LEAST TEN  
4 YEARS OF AGE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 7B-1501 reads as rewritten:

7 "§ 7B-1501. Definitions.

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

10 ...  
11 (7) Delinquent juvenile. – Any juvenile who, while less than 16 years of age but  
12 at least ~~6~~10 years of age, commits a crime or infraction under State law or  
13 under an ordinance of local government, including violation of the motor  
14 vehicle laws, or who commits indirect contempt by a juvenile as defined in  
15 G.S. 5A-31.

16 ...  
17 (27) Undisciplined juvenile. –  
18 a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years  
19 of age, is unlawfully absent from school; or is regularly disobedient to  
20 and beyond the disciplinary control of the juvenile's parent, guardian,  
21 or custodian; or is regularly found in places where it is unlawful for a  
22 juvenile to be; or has run away from home for a period of more than  
23 24 hours; or  
24 b. A juvenile who is 16 or 17 years of age and who is regularly  
25 disobedient to and beyond the disciplinary control of the juvenile's  
26 parent, guardian, or custodian; or is regularly found in places where it  
27 is unlawful for a juvenile to be; or has run away from home for a period  
28 of more than 24 hours.

29 ...."

30 SECTION 1.(b) G.S. 7B-1501(7) reads as rewritten:

31 "(7) Delinquent juvenile. –  
32 a. Any juvenile who, while less than 16 years of age but at least ~~6~~10  
33 years of age, commits a crime or infraction under State law or under  
34 an ordinance of local government, including violation of the motor  
35 vehicle laws, or who commits indirect contempt by a juvenile as  
36 defined in G.S. 5A-31.



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

6                   **SECTION 1.(c)** Subsection (a) of this section is effective when it becomes law and  
7                   applies to delinquent or undisciplined acts committed on or after that date. Subsection (b) of this  
8                   section becomes effective December 1, 2019, and applies to delinquent acts committed on or  
9                   after that date.

10                  **SECTION 2.** G.S. 7B-1903(f) is repealed effective four years from the date this act  
11                  becomes law.

12                  **SECTION 3.** G.S. 7B-2102 reads as rewritten:

13                  "**§ 7B-2102. Fingerprinting and photographing juveniles.**

14                  (a)       A law enforcement officer or agency shall fingerprint and photograph a juvenile ~~who~~  
15                  ~~was 10 years of age or older~~ at the time the juvenile allegedly committed a nondivertible offense  
16                  as set forth in G.S. 7B-1701, when a complaint has been prepared for filing as a petition and the  
17                  juvenile is in physical custody of law enforcement or the Division.

18                  ...

19                  (b)       If a law enforcement officer or agency does not take the fingerprints or a photograph  
20                  of the juvenile pursuant to subsection (a) of this section or the fingerprints or photograph have  
21                  been destroyed pursuant to subsection (e) of this section, a law enforcement officer or agency  
22                  shall fingerprint and photograph a juvenile who has been adjudicated delinquent if the juvenile  
23                  ~~was 10 years of age or older at the time the juvenile~~ committed an offense that would be a felony  
24                  if committed by an adult.

25                  (c)       A law enforcement officer, facility, or agency who fingerprints or photographs a  
26                  juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of  
27                  Investigation and the Federal Bureau of Investigation. After the ~~juvenile, who was 10 years of~~  
28                  ~~age or older at the time of the offense,~~ juvenile is adjudicated delinquent of an offense that would  
29                  be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be  
30                  transferred to the State Bureau of Investigation and placed in the Automated Fingerprint  
31                  Identification System (AFIS) to be used for all investigative and comparison purposes.  
32                  Photographs obtained pursuant to this section shall be placed in a format approved by the State  
33                  Bureau of Investigation and may be used for all investigative or comparison purposes. The State  
34                  Bureau of Investigation shall release any photograph it receives pursuant to this section to the  
35                  Division, upon the Division's request. The duty of confidentiality in subsection (d) of this section  
36                  applies to the Division, except as provided in G.S. 7B-3102.

37                  ...."

38                  **SECTION 4.(a)** G.S. 7B-2513(a) reads as rewritten:

39                  "(a)       Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent  
40                  juvenile ~~who is at least 10 years of age~~ to the Division for placement in a youth development  
41                  center. Commitment shall be for an indefinite term of at least six months. In no event shall the  
42                  term exceed:

- 43                  (1)       The twenty-first birthday of the juvenile if the juvenile has been committed to  
44                  the Division for an offense that would be first-degree murder pursuant to  
45                  G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree  
46                  statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense  
47                  pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to  
48                  G.S. 14-27.29 if committed by an adult;
- 49                  (2)       The nineteenth birthday of the juvenile if the juvenile has been committed to  
50                  the Division for an offense that would be a Class B1, B2, C, D, or E felony if

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

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

16 **SECTION 4.(b)** G.S. 7B-2513(a) reads as rewritten:

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

20 **SECTION 4.(c)** Subsection (a) of this section becomes effective when it becomes  
21 law. Subsection (b) of this section becomes effective December 1, 2019.

22 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
23 law.