

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

D

HOUSE BILL 261
PROPOSED COMMITTEE SUBSTITUTE H261-PCS10225-BP-3

Short Title: Raise Min. Age/Juvenile Jurisdiction.

(Public)

Sponsors:

Referred to:

March 11, 2021

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 AND TO MODIFY THE MINIMUM AGE OF JUVENILE
5 JURISDICTION.

6 The General Assembly of North Carolina enacts:

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

8 "§ 7B-1501. Definitions.

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

11 ...

12 (3a) Child consultation. – Any child while less than 10 years of age but at least 6
13 years of age who is referred to the Division of Juvenile Justice because it is
14 deemed the child is in need of community resources or services. Services shall
15 be provided to the child and the child's parent, guardian, or custodian of a child
16 pursuant to G.S. 7B-1706.1. Child consultation cases are subject to
17 confidentiality laws provided in Subchapter III of this Chapter.

18 ~~(3)~~(3b) Community-based program. – A program providing nonresidential or
19 residential treatment to a juvenile under the jurisdiction of the juvenile court
20 in the community where the juvenile's family lives. A community-based
21 program may include specialized foster care, family counseling, shelter care,
22 and other appropriate treatment.

23 (3c) Consultation complaint. – A complaint made against any child while less than
24 10 years of age but at least 6 years of age alleged to have committed an offense
25 that would be considered an undisciplined or delinquent offense if committed
26 by a juvenile over the age of 10. These children shall be served by a juvenile
27 court counselor as a child consultation.

28 ...

29 (7) Delinquent juvenile. –

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

35 b. Any juvenile who, while less than 18 years of age but at least 16 years
36 of age, commits a crime or an infraction under State law or under an



* H 2 6 1 - P C S 1 0 2 2 5 - B P - 3 *

ordinance of local government, excluding all violations of the motor vehicle laws under Chapter 20 of the General Statutes, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.

...

(27) Undisciplined juvenile. –

a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or

b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

...."

SECTION 1.(b) G.S. 143B-805 reads as rewritten:

"§ 143B-805. Definitions.

In this Part, unless the context clearly requires otherwise, the following words have the listed meanings:

...

~~(1)~~(1a) Chief court counselor. – The person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(1b) Child consultation. – Any child while less than 10 years of age but at least 6 years of age who is referred to the Division of Juvenile Justice because it is deemed the child is in need of community resources or services. Services shall be provided to the child and the child's parent, guardian, or custodian of a child pursuant to G.S. 7B-1706.1. Child consultation cases are subject to confidentiality laws provided in Subchapter III of Chapter 7B of the General Statutes.

~~(2)~~(2a) Community-based program. – A program providing nonresidential or residential treatment to a juvenile under the jurisdiction of the juvenile court in the community where the juvenile's family lives. A community-based program may include specialized foster care, family counseling, shelter care, and other appropriate treatment.

(2b) Consultation complaint. – A complaint made against any child while less than 10 years of age but at least 6 years of age alleged to have committed an offense that would be considered an undisciplined or delinquent offense if committed by a juvenile over the age of 10. These children shall be served by a juvenile court counselor as a child consultation.

...

(6) Delinquent juvenile. –

a. Any juvenile who, while less than 16 years of age but at least ~~6~~10 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 an infraction under State law or under an ordinance of local government, excluding all violations of the motor vehicle laws under Chapter 20 of the General Statutes, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.

...
(20) Undisciplined juvenile. –

a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or

b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

...."

SECTION 2. G.S. 7B-2102 reads as rewritten:

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

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

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

(c) A law enforcement officer, facility, or agency who fingerprints or photographs a juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of Investigation and the Federal Bureau of Investigation. After the ~~juvenile, who was 10 years of age or older at the time of the offense,~~ juvenile is adjudicated delinquent of an offense that would be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be transferred to the State Bureau of Investigation and placed in the Automated Fingerprint Identification System (AFIS) to be used for all investigative and comparison purposes, and may be entered into a local fingerprint database for the same purposes, if the law enforcement agency with jurisdiction is served by a secure crime laboratory facility that maintains a local fingerprint database. Photographs obtained pursuant to this section shall be placed in a format approved by the State Bureau of Investigation and may be used for all investigative or comparison purposes. The State Bureau of Investigation shall release any photograph it receives pursuant to this section to the Division, upon the Division's request. The duty of confidentiality in subsection (d) of this section applies to the Division, except as provided in G.S. 7B-3102.

...."

SECTION 3. G.S. 7B-2513(a) reads as rewritten:

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

1 **SECTION 4.(a)** Article 3 of Chapter 7B of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 7B-308.1. Authority of juvenile court counselor.**

4 Any time a juvenile court counselor has cause to suspect, in the course of the provision and
5 coordination of multidisciplinary service referrals for juveniles under the age of 10 pursuant to
6 G.S. 143B-831(17), that the juvenile is abused, neglected, or dependent, the juvenile court
7 counselor shall make a report to the director as required by G.S. 7B-301. The director shall
8 immediately begin an assessment of the case and may initiate juvenile proceedings and take all
9 other steps authorized by the regular provisions of this Subchapter. If the director decides not to
10 file a petition, the juvenile court counselor or the chief court counselor may ask the prosecutor to
11 review this decision according to the provisions of G.S. 7B-305 and G.S. 7B-306."

12 **SECTION 4.(b)** G.S. 7B-1700.1 reads as rewritten:

13 **"§ 7B-1700.1. Duty to report abuse, neglect, dependency.**

14 Any time a juvenile court counselor or any person has cause to suspect that a juvenile is
15 abused, neglected, or dependent, or has died as the result of maltreatment, the juvenile court
16 counselor or the person shall make a report to the county department of social services as required
17 by ~~G.S. 7B-301~~G.S. 7B-301, or, in the case of a juvenile under the age of 10 who is receiving
18 services pursuant to G.S. 143B-831(17), the juvenile court counselor shall make a report to the
19 county department of social services as required by G.S. 7B-308.1."

20 **SECTION 4.(c)** G.S. 7B-1701 reads as rewritten:

21 **"§ 7B-1701. Preliminary inquiry.**

22 When a complaint is received, the juvenile court counselor shall make a preliminary
23 determination as to whether the juvenile is within the jurisdiction of the court as a delinquent or
24 ~~undisciplined juvenile~~ juvenile or is under 10 and shall be served as child consultation. If the
25 juvenile court counselor finds that the facts contained in the complaint do not state a case within
26 the jurisdiction of the court, that legal sufficiency has not been established, or that the matters
27 alleged are frivolous, the juvenile court counselor, without further inquiry, shall refuse
28 authorization to file the complaint as a ~~petition~~ juvenile petition, but may accept the complaint
29 as a child consultation for a child under the age of 10.

30 If a complaint against the juvenile has not been previously received, as determined by the
31 juvenile court counselor, the juvenile court counselor shall make reasonable efforts to meet with
32 the juvenile and the juvenile's parent, guardian, or custodian if the offense is divertable.

33 When requested by the juvenile court counselor, the prosecutor shall assist in determining
34 the sufficiency of evidence as it affects the quantum of proof and the elements of
35 ~~offenses~~ offenses for a delinquent or undisciplined complaint.

36 "

37 **SECTION 4.(d)** G.S. 7B-1703 reads as rewritten:

38 **"§ 7B-1703. Evaluation decision.**

39 (a) The juvenile court counselor shall complete evaluation of a complaint within 15 days
40 of receipt of the complaint, with an extension for a maximum of 15 additional days at the
41 discretion of the chief court counselor. The juvenile court counselor shall decide within this time
42 period whether a complaint shall be filed as a juvenile ~~petition~~ petition or handled as a child
43 consultation complaint for a child under 10 years of age.

44 (b) Except as provided for in ~~G.S. 7B-1706~~, G.S. 7B-1706 and G.S. 7B-1706.1, if the
45 juvenile court counselor determines that a complaint should be filed as a petition, the counselor
46 shall file the petition as soon as practicable, but in any event within 15 days after the complaint
47 is received, with an extension for a maximum of 15 additional days at the discretion of the chief
48 court counselor. The juvenile court counselor shall assist the complainant when necessary with
49 the preparation and filing of the petition, shall include on it the date and the words "Approved
50 for Filing", shall sign it, and shall transmit it to the clerk of superior court.

1 (c) ~~If~~ Except as provided for in G.S. 7B-1706.1, if the juvenile court counselor
2 determines that a petition should not be filed, the juvenile court counselor shall notify the
3 complainant and the victim, if the complainant is not the victim, immediately in writing with
4 specific reasons for the decision, whether or not legal sufficiency was found, and whether the
5 matter was closed or diverted and retained, and shall include notice of the complainant's and
6 victim's right to have the decision reviewed by the prosecutor. The juvenile court counselor shall
7 sign the complaint after indicating on it:

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

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

14 (d) If the juvenile court counselor determines that the child under age 10 shall proceed to
15 receiving a child consultation, the juvenile court counselor shall obtain referral information."

16 **SECTION 4.(e)** Article 17 of Chapter 7B of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 7B-1706.1. Child consultation services.**

19 For a child at least 6 but under 10 years of age, the juvenile court counselor shall serve the
20 child under a child consultation for up to six months providing case management services. An
21 extension of child consultation services may be made for up to three months at the approval of
22 the chief court counselor. As part of case management services, the juvenile court counselor shall
23 provide screenings, assessments, community resources, and programming to the child and the
24 parent, legal guardian, or custodian."

25 **SECTION 4.(f)** G.S. 7B-1806 reads as rewritten:

26 **"§ 7B-1806. Service of summons.**

27 ~~The~~ When a petition has been filed alleging that a juvenile is undisciplined or delinquent, the
28 summons and petition shall be personally served upon the parent, the guardian, or custodian and
29 the juvenile not less than five days prior to the date of the scheduled hearing. The time for service
30 may be waived in the discretion of the court.

31 If the parent, guardian, or custodian entitled to receive a summons cannot be found by a
32 diligent effort, the court may authorize service of the summons and petition by mail or by
33 publication. The cost of the service by publication shall be advanced by the petitioner and may
34 be charged as court costs as the court may direct.

35 The court may issue a show cause order for contempt against a parent, guardian, or custodian
36 who is personally served and fails without reasonable cause to appear ~~and~~ or to bring the juvenile
37 before the court.

38 The provisions of G.S. 15A-301(a), (c), (d), and (e) relating to criminal process apply to
39 juvenile process; provided the period of time for return of an unserved summons is 30 days."

40 **SECTION 4.(g)** Chapter 7B of the General Statutes is amended by adding a new
41 Article to read:

42 "Article 34A.

43 "Authority Over Parents, Guardians, or Custodians of Juveniles Under 10 Years of Age.

44 **"§ 7B-3405. Attend all scheduled meetings with juvenile court counselor.**

45 The parent, guardian, or custodian of a child being provided services through a child
46 consultation shall attend all scheduled meetings with the juvenile court counselor provided
47 sufficient notice of the meeting was given to the parent, guardian, or custodian.

48 **"§ 7B-3406. Attend research-supported parenting classes.**

49 The juvenile court counselor may direct the parent, guardian, or custodian of a child who is
50 being provided services through a child consultation to attend research-supported parenting

1 classes if those classes are available in the district in which the parent, guardian, or custodian
2 resides.

3 **"§ 7B-3407. Medical, surgical, psychiatric, or psychological evaluation or treatment of**
4 **juvenile or parent.**

5 (a) The juvenile court counselor shall work with the parent, guardian, or custodian of the
6 child to obtain for the child any medical, surgical, psychiatric, psychological, or other evaluation
7 or treatment as needed or recommended as part of the child consultation process. The juvenile
8 court counselor shall work with the parent, guardian, or custodian of the child and other funding
9 resources to find a means for paying for such services, including helping the parent, guardian, or
10 custodian of the child to apply for Health Choice and/or Medicaid.

11 (b) The juvenile court counselor, with written recommendations of a qualified physician,
12 surgeon, or mental health provider, shall advise the parent, guardian, or custodian of the child to
13 be directly involved in the child's evaluation or treatment and participate in medical, psychiatric,
14 psychological, or other evaluation or treatment of the child if it is determined to be in the best
15 interests of the child.

16 (c) The juvenile court counselor may recommend the parent, guardian, or custodian of
17 the child to undergo psychiatric, psychological, or other evaluation or treatment or counseling
18 with written orders or recommendations from a qualified mental or physical health provider
19 directed toward remedying behaviors or conditions that led to or contributed to the child's receipt
20 of a child consultation.

21 (d) With written orders or recommendations from a qualified mental or physical health
22 provider, the juvenile court counselor may recommend the parent, guardian, or custodian of the
23 child to seek funding through the Division of Juvenile Justice and/or the local management entity
24 and managed care organization that serves the catchment area to pay the cost of any evaluation
25 or treatment recommended for the parent, guardian, or custodian of the child.

26 **"§ 7B-3408. Compliance with recommendations of the juvenile court counselor for children**
27 **receiving child consultation services.**

28 (a) In cases in which the juvenile court counselor is providing child consultation services,
29 the juvenile court counselor may transport the parent, guardian, or custodian of a child receiving
30 child consultation services and the child receiving consultation services, to the extent the juvenile
31 court counselor is able to do so, to keep an appointment or to comply with the recommendations
32 of the juvenile court counselor.

33 (b) In all cases in which the juvenile court counselor is providing child consultation
34 services, the juvenile court counselor shall work collaboratively with the parent, guardian,
35 custodian of the child, the Department of Social Services, the local management entity or
36 managed care organization, the local education authority, and all other community stakeholders
37 involved with the child and family. This will be identified as the Child and Family Team, and all
38 local community agencies involved with the child and family shall be invited to all meetings
39 scheduled with the child and parent, guardian, or custodian of the child."

40 **SECTION 4.(h)** G.S. 143B-806 reads as rewritten:

41 **"§ 143B-806. Duties and powers of the Juvenile Justice Section of the Division of Adult**
42 **Correction and Juvenile Justice of the Department of Public Safety.**

43 (a) Repealed by Session Laws 2013-289, s. 5, effective July 18, 2013.

44 (b) In addition to its other duties, the Juvenile Justice Section of the Division of Adult
45 Correction and Juvenile Justice shall have the following powers and duties:

46 (1) Give leadership to the implementation as appropriate of State policy that
47 requires that youth development centers be phased out as populations
48 diminish.

49 (2) Close a State youth development center when its operation is no longer
50 justified and transfer State funds appropriated for the operation of that youth
51 development center to fund community-based programs, to purchase care or

1 services for predelinquents, delinquents, or status offenders in
 2 community-based or other appropriate programs, or to improve the efficiency
 3 of existing youth development centers, after consultation with the Joint
 4 Legislative Commission on Governmental Operations.

- 5 (3) Administer a sound admission or intake program for juvenile facilities,
 6 including the requirement of a careful evaluation of the needs of each juvenile
 7 prior to acceptance and placement.
- 8 (4) Operate juvenile facilities and implement programs that meet the needs of
 9 juveniles receiving services and that assist them to become productive,
 10 responsible citizens.
- 11 (5) Adopt rules to implement this Part and the responsibilities of the Secretary
 12 and the Division under Chapter 7B of the General Statutes. The Secretary may
 13 adopt rules applicable to local human services agencies providing juvenile
 14 court and delinquency prevention services for the purpose of program
 15 evaluation, fiscal audits, and collection of third-party payments.
- 16 (6) Ensure a statewide and uniform system of juvenile intake, protective
 17 supervision, probation, and post-release supervision services in all district
 18 court districts of the State. The system shall provide appropriate, adequate,
 19 and uniform services to all juveniles who are alleged or found to be
 20 undisciplined or delinquent.
- 21 (7) Establish procedures for substance abuse testing for juveniles adjudicated
 22 delinquent for substance abuse offenses.
- 23 (8) Plan, develop, and coordinate comprehensive multidisciplinary services and
 24 programs statewide for the prevention of juvenile delinquency, early
 25 intervention, and rehabilitation of ~~juveniles~~ juveniles, including, but not
 26 limited to, services for children under the age of 10 who are receiving child
 27 consultation services.

28"

29 **SECTION 4.(i)** G.S. 143B-811 reads as rewritten:

30 **"§ 143B-811. Annual evaluation of intensive intervention services.**

31 The Department of Public Safety shall conduct an annual evaluation of intensive intervention
 32 services. Intensive intervention services are evidence-based or research-supported
 33 community-based or residential services that are necessary for a juvenile in order to (i) prevent
 34 the juvenile's commitment to a youth development center or detention facility or (ii) facilitate the
 35 juvenile's successful return to the community following ~~commitment~~ commitment or (iii)
 36 prevent further involvement in the juvenile justice system. In conducting the evaluation, the
 37 Department shall consider whether participation in intensive intervention services results in a
 38 diversion from or reduction of court involvement among juveniles. The Department shall also
 39 determine whether the programs are achieving the goals and objectives of the Juvenile Justice
 40 Reform Act, S.L. 1998-202.

41 The Department shall report the results of the evaluation to the Chairs of the Joint Legislative
 42 Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of
 43 Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each
 44 year."

45 **SECTION 4.(j)** G.S. 143B-831 reads as rewritten:

46 **"§ 143B-831. Duties and powers of juvenile court counselors.**

47 ...

- 48 ~~(17)~~(17a) Screen and evaluate a complaint alleging that a juvenile is delinquent or
 49 undisciplined to determine whether the complaint should be filed as a petition.
- 50 (17b) Provide and coordinate multidisciplinary service referrals for the prevention
 51 of juvenile delinquency and early intervention for juveniles, including, but not

1 limited to, children under the age of 10 who are in receipt of child consultation
2 services. If the juvenile court counselor has cause to suspect that a child under
3 the age of 10 who is receiving services pursuant to this subsection is abused,
4 neglected, or dependent, the juvenile court counselor shall make a report to
5 the director of social services as required by G.S. 7B-308.1. If the juvenile
6 court counselor has cause to suspect that a juvenile age 10 or older who is
7 receiving services pursuant to this subsection is abused, neglected, or
8 dependent, the juvenile court counselor shall make a report to the director of
9 social services as required by G.S. 7B-1700.1.

10"

11 **SECTION 4.(k)** G.S. 143B-851 reads as rewritten:

12 **"§ 143B-851. Powers and duties.**

13 (a) Each County Council shall review biennially the needs of juveniles in the county who
14 are at risk of ~~delinquency~~ delinquency, including, but not limited to, youth who are under the age
15 of 10 who are receiving child consultation services, or who have been adjudicated undisciplined
16 or delinquent and the resources available to address those needs. In particular, each County
17 Council shall assess the needs of juveniles in the county who are at risk or who have been
18 associated with gangs or gang activity, and the local resources that are established to address
19 those needs. The Council shall develop and advertise a request for proposal process and submit
20 a written plan of action for the expenditure of juvenile sanction and prevention funds to the board
21 of county commissioners for its approval. Upon the county's authorization, the plan shall be
22 submitted to the Section for final approval and subsequent implementation.

23 (b) Each County Council shall ensure that appropriate intermediate dispositional options
24 are available and shall prioritize funding for dispositions of intermediate and community-level
25 sanctions for court-adjudicated juveniles under minimum standards adopted by the Section.

26 (c) On an ongoing basis, each County Council shall:

- 27 (1) Assess the needs of juveniles and youth at risk of delinquency, including, but
28 not limited to, youth who are under the age of 10 who receive child
29 consultation services, in the community, evaluate the adequacy of resources
30 available to meet those needs, and develop or propose ways to address unmet
31 needs.
- 32 (2) Evaluate the performance of juvenile services and programs in the
33 community. The Council shall evaluate each funded program as a condition
34 of continued funding.
- 35 (3) Increase public awareness of the causes of delinquency and of strategies to
36 reduce the problem.
- 37 (4) Develop strategies to intervene and appropriately respond to and treat the
38 needs of juveniles at risk of delinquency through appropriate risk assessment
39 instruments.
- 40 (5) Provide funds for services for treatment, counseling, or rehabilitation for
41 juveniles and youth at risk for juvenile delinquency and their families. These
42 services may include court-ordered parenting responsibility classes.
- 43 (6) Plan for the establishment of a permanent funding stream for delinquency
44 prevention services.
- 45 (7) Develop strategies to intervene and appropriately respond to the needs of
46 juveniles who have been associated with gang activity or who are at risk of
47 becoming associated with gang activity.

48 (d) The Councils may examine the benefits of joint program development between
49 counties and judicial districts."

50 **SECTION 4.(l)** G.S. 143B-853 reads as rewritten:

51 **"§ 143B-853. Funding for programs.**

1 (a) Annually, the Division of Adult Correction and Juvenile Justice shall develop and
2 implement a funding mechanism for programs that meet the standards developed under this
3 Subpart. The Division shall ensure that the guidelines for the State and local partnership's funding
4 process include the following requirements:

5 (1) Fund effective programs. – The Division shall fund programs that it
6 determines to be effective in preventing delinquency and recidivism.
7 Programs that have proven to be ineffective shall not be funded.

8 (2) Use a formula for the distribution of funds. – A funding formula shall be
9 developed that ensures that even the smallest counties will be able to provide
10 the basic prevention and alternative services to juveniles in their communities.

11 (3) Allow and encourage local flexibility. – A vital component of the State and
12 local partnership established by this section is local flexibility to determine
13 how best to allocate prevention and alternative funds.

14 (4) Combine resources. – Counties shall be allowed and encouraged to combine
15 resources and services.

16 (5) Allow for a two-year funding cycle. – In the discretion of the Division, awards
17 may be provided in amounts that fund two years of services for programs that
18 meet the requirements of this section and have been awarded funds in a prior
19 funding cycle.

20 (b) The Division shall adopt rules to implement this section. The Division shall provide
21 technical assistance to County Councils and shall require them to evaluate all State-funded
22 programs and services on an ongoing and regular basis.

23 (c) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice
24 of the Department of Public Safety shall report to the Senate and House of Representatives
25 Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and
26 annually thereafter, on the results of intensive intervention services. Intensive intervention
27 services are evidence-based or research-supported community-based or residential services that
28 are necessary for a juvenile in order to (i) prevent the juvenile's commitment to a youth
29 development center or detention facility or (ii) facilitate the juvenile's successful return to the
30 community following ~~commitment~~ commitment or (iii) prevent deeper involvement in the
31 juvenile justice system. Specifically, the report shall provide a detailed description of each
32 intensive intervention service, including the numbers of juveniles served, their adjudication status
33 at the time of service, the services and treatments provided, the length of service, the total cost
34 per juvenile, and the six- and 12-month recidivism rates for the juveniles after the termination of
35 program services."

36 **SECTION 5.** This act becomes effective December 1, 2021, and applies to offenses
37 committed on or after that date.