

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 225
Mar 4, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40140-NB-24A

Short Title: Prosec. Discretion/A-G Felonies/Juveniles. (Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW PROSECUTORIAL DISCRETION FOR JUVENILES CHARGED
3 WITH OFFENSES THAT WOULD BE CLASS A THROUGH G FELONIES IF
4 COMMITTED BY AN ADULT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 7B-2200.5 reads as rewritten:

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

8 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed
9 an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the
10 court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults
11 unless the prosecutor declines to prosecute in superior court as provided in subsection (a1) of this
12 section. A transfer shall occur after either of the following:

- 13 (1) Notice to the juvenile and a finding by the court that a bill of indictment has
14 been returned against the juvenile charging the commission of an offense that
15 constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
16 (2) Notice, hearing, and a finding of probable cause that the juvenile committed
17 an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if
18 committed by an adult.

19 (a1) The prosecutor may decline to prosecute in superior court a matter that would
20 otherwise be subject to mandatory transfer pursuant to subsection (a) of this section. If the
21 prosecutor declines to prosecute the matter in superior court, jurisdiction over the juvenile shall
22 remain in juvenile court following a finding of probable cause pursuant to G.S. 7B-2202. Prior
23 to adjudication, the prosecutor may choose to transfer the matter pursuant to subsection (a) of
24 this section.

25"

26 SECTION 2. This act becomes effective December 1, 2021, and applies to offenses
27 committed on or after that date.

