

Article 22.

Probable Cause Hearing and Transfer Hearing.

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

(a) Discretionary Transfer. – Except as otherwise provided in G.S. 7B-2200.5, after notice, hearing, and a finding of probable cause the court may, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was at least 13 years of age but less than 16 years of age at the time the juvenile allegedly committed an offense that would be a felony, other than a Class A felony, if committed by an adult.

(b) Mandatory Transfer. – The court shall transfer the case to superior court for trial as in the case of adults if the felony the juvenile allegedly committed constitutes a Class A felony and (i) the court finds probable cause or (ii) upon notice of the return of a true bill of indictment as provided in G.S. 7B-2202.5.

(c) Remand to District Court. – In any case where jurisdiction over a juvenile has been transferred to superior court, upon joint motion of the prosecutor and the juvenile's attorney, the superior court shall remand the case to district court. The prosecutor shall provide the chief court counselor or his or her designee with a copy of the joint motion prior to submitting the motion to the court. The superior court shall expunge the superior court record in accordance with G.S. 15A-145.8 at the time of remand and, if the juvenile meets the criteria established in G.S. 7B-1903, may issue an order for secure custody upon the request of a prosecutor. The prosecutor shall provide a copy of any issued secure custody order to the chief court counselor or his or her designee, as soon as possible and no more than 24 hours after the order is issued. (1979, c. 815, s. 1; 1991 (Reg. Sess., 1992), c. 842, s. 1; 1994, Ex. Sess., c. 22, s. 25; 1998-202, s. 6; 2017-57, s. 16D.4(d); 2018-142, s. 23(b); 2023-114, s. 1(b); 2024-17, s. 2(c).)