

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1148

Short Title: Teen Court Funds/Guidelines.

(Public)

Sponsors: Representatives Decker; and Adams.

Referred to: Appropriations.

April 22, 1997

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS AND ESTABLISH GUIDELINES FOR TEEN COURT PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Judicial Department, Administrative Office of the Courts, the sum of seventy-five thousand dollars (\$75,000) for the 1997-98 fiscal year to fund the operation of the teen court programs in Buncombe, Cumberland, Durham, and Rockingham Counties established pursuant to Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session, as amended by Section 80 of Chapter 561 of the 1993 Session Laws.

Section 2. There is appropriated from the General Fund to the Department of Human Resources, Division of Youth Services, the sum of thirty-five thousand dollars (\$35,000) for the 1997-98 fiscal year to fund the operation of the teen court programs in Buncombe and Forsyth Counties through community-based alternatives.

Section 3. The teen court programs funded in this act and by the Governor's Crime Commission shall be a voluntary juvenile diversion and education program based on the mutual consent of the juvenile and the juvenile's parent or guardian. The programs shall comply with the confidentiality requirements of juvenile records set forth in Article 54 of Chapter 7A of the General Statutes. The programs shall also meet the following goals and objectives:

- 1 (1) Establish procedures for hearing cases of juveniles under the jurisdiction
2 of the juvenile court pursuant to G.S. 7A-523 who are first time juvenile
3 offenders and, pursuant to G.S. 7A-633, have admitted an allegation
4 concerning a driving offense or an offense that would be a misdemeanor
5 if committed by an adult; except that teen courts shall not hear cases in
6 which a juvenile is alleged to have committed the following offenses:
7 a. Driving while impaired under G.S. 20-138.1, 20-138.2, or 20-
8 138.3;
9 b. Class A1 misdemeanors;
10 c. An assault that results in serious bodily injury;
11 d. An assault in which a weapon is used; or
12 e. A controlled substance offense as defined by G.S. 90-86, other
13 than simple possession of a Schedule VI drug or alcohol.

14 The procedures established by the "teen court" programs shall be fair
15 and equitable and shall protect the constitutional rights of the juveniles
16 and the juveniles' parents. Courts, district attorneys, law enforcement,
17 and Juvenile Intake Services may refer cases to the teen court programs.

- 18 (2) Provide community resources and dispositional alternatives for
19 juveniles specified in subdivision (1) of this section, including
20 counseling, restitution, curfews, or community service, as well as other
21 rehabilitative measures.
22 (3) Educate and involve juveniles in all aspects of the judicial system and
23 assign them the duties and responsibilities of the defense, prosecution,
24 and trier of fact and law to instill a sense of pride in and responsibility to
25 the community.
26 (4) In coordination with local school administrative units, implement
27 school-based mediation programs for junior and high school students,
28 with the students trained as peer mediators and teachers and
29 administrators trained in conflict resolution and mediation of disputes
30 that arise in the schools, including disciplinary issues and problems.
31 School administrators or resource officers may refer cases to the teen
32 court programs.
33 (5) Promote coordination of existing resources and enhance collaboration
34 among the courts, local law enforcement, the schools, and community
35 agencies and programs to educate and provide guidance to juveniles.

36 Section 4. (a) The program operating in Forsyth County shall report to the Division
37 of Youth Services on the structure, expenditures, objectives, and operation of the
38 program by March 1, 1998. The program operating in Buncombe County shall report to
39 the Division of Youth Services and the Administrative Office of the Courts on the
40 structure, expenditures, objectives, and operation of the program by March 1, 1998. The
41 programs operating in Cumberland, Durham, and Rockingham Counties shall report to
42 the Administrative Office of the Courts on the structure, expenditures, objectives, and
43 operations of the programs in those counties by March 1, 1998.

1 (b) The Administrative Office of the Courts, in collaboration with the Division of
2 Youth Services, shall evaluate the effectiveness of the programs in Buncombe,
3 Cumberland, Durham, Forsyth, and Rockingham Counties and report its findings and
4 recommendations to the Joint Legislative Commission on Governmental Operations and
5 to the Chairs of the House and Senate Appropriations Subcommittees on Justice and
6 Public Safety by April 15, 1998.

7 (c) The Governor's Crime Commission shall evaluate the effectiveness of the
8 programs funded by the Commission and report its findings and recommendations to the
9 Joint Legislative Commission on Governmental Operations and to the Chairs of the
10 House and Senate Appropriations Subcommittees on Justice and Public Safety by April
11 15, 1998.

12 Section 5. This act becomes effective July 1, 1997.