

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 873
Committee Substitute Favorable 4/28/97

Short Title: Age of Undisciplined Juveniles.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE AGE OF UNDISCIPLINED JUVENILES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 7A-517(20) reads as rewritten:

5 "(20) Juvenile. —~~Any~~ Except as provided in subdivisions (12) and (28) of this
6 section, any person who has not reached his eighteenth birthday and is
7 not married, emancipated, or a member of the armed services of the
8 United States. ~~For the purposes of subdivisions (12) and (28) of this section,~~
9 ~~a juvenile is any person who has not reached his sixteenth birthday and is not~~
10 ~~married, emancipated, or a member of the armed forces.~~ A juvenile who is
11 married, emancipated, or a member of the armed forces, shall be
12 prosecuted as an adult for the commission of a criminal offense.
13 Wherever the term 'juvenile' is used with reference to rights and
14 privileges, that term encompasses the attorney for the juvenile as well."

15 Section 2. G.S. 7A-517(28) reads as rewritten:

16 "(28) Undisciplined Juvenile. —

17 a. A juvenile less than 16 years of age who is unlawfully absent
18 from school; or who is regularly disobedient to ~~his~~ the juvenile's
19 parent, guardian, or custodian and beyond their disciplinary

1 control; or who is regularly found in places where it is unlawful
2 for a juvenile to be; or who has run away from ~~home~~-home; or
3 b. A juvenile more than 16 years of age and less than 18 years of
4 age who is beyond the disciplinary control of the juvenile's
5 parent, guardian, or custodian."

6 Section 3. G.S. 7A-676(a) reads as rewritten:

7 "(a) Any person who has attained the age of ~~16-18~~ years may file a petition in the
8 court where the person was adjudicated undisciplined for expunction of all records of that
9 adjudication."

10 Section 4. G.S. 7A-676(h) reads as rewritten:

11 "(h) Any ~~juvenile or any~~ person who was alleged to be delinquent as a juvenile and
12 has attained the age of 16 years-years, or was alleged to be undisciplined as a juvenile and
13 has attained the age of 18 years, may file a petition in the court in which ~~he~~-the person
14 was alleged to be delinquent or undisciplined for expunction of all juvenile records of his
15 the person's having been alleged to be delinquent or undisciplined if the court dismissed
16 the juvenile petition without an adjudication that the ~~juvenile-person~~ was delinquent or
17 undisciplined. The petition shall be served on the chief court counselor in the district
18 where the juvenile petition was filed. The chief court counselor shall have 10 days
19 thereafter in which to file a written objection in the court. If no objection is filed, the
20 judge may grant the petition without a hearing. If an objection is filed or the judge so
21 directs, a hearing shall be scheduled and the chief court counselor shall be notified as to
22 the date of the hearing. If the judge finds at the hearing that the petitioner satisfies the
23 conditions specified herein, the judge shall order the clerk of superior court and the
24 appropriate law enforcement agencies to expunge their records of the allegations of
25 delinquent or undisciplined acts including all references to arrests, complaints, referrals,
26 juvenile petitions, and orders. The clerk of superior court shall forward a certified copy
27 of the order of expunction to the sheriff, chief of police, or other appropriate law
28 enforcement agency, and to the chief court counselor, and these specified officials shall
29 immediately destroy all records relating to the allegations that the juvenile was delinquent
30 or undisciplined."

31 Section 5. This act becomes effective October 1, 1997, and applies to acts
32 occurring on or after that date.