

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1083
Committee Substitute Favorable 4/18/01
Senate Judiciary II Committee Substitute Adopted 5/9/01

Short Title: Secure Custody of Juveniles Using Weapons.

(Public)

Sponsors:

Referred to:

April 11, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A
2 JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE
3 ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A
4 WEAPON.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7B-1903(b) reads as rewritten:

8 "(b) When a request is made for secure custody, the court may order secure
9 custody only where the court finds there is a reasonable factual basis to believe that the
10 juvenile committed the offense as alleged in the petition, and that one of the following
11 circumstances exists:

- 12 (1) The juvenile is charged with a felony and has demonstrated that the
13 juvenile is a danger to property or persons.
- 14 (2) ~~The juvenile is charged with a misdemeanor at least one element of~~
15 ~~which is assault on a person and has demonstrated that the juvenile is a~~
16 ~~danger to persons. The juvenile has demonstrated that the juvenile is a~~
17 danger to persons and is charged with either (i) a misdemeanor at least
18 one element of which is assault on a person or (ii) a misdemeanor in
19 which the juvenile used, threatened to use, or displayed a firearm or
20 other deadly weapon.
- 21 (3) The juvenile has willfully failed to appear on a pending delinquency
22 charge or on charges of violation of probation or post-release
23 supervision, providing the juvenile was properly notified.
- 24 (4) A delinquency charge is pending against the juvenile, and there is
25 reasonable cause to believe the juvenile will not appear in court.
- 26 (5) The juvenile is an absconder from (i) any residential facility operated
27 by the Department or any detention facility in this State or (ii) any
28 comparable facility in another state.

- 1 (6) There is reasonable cause to believe the juvenile should be detained for
2 the juvenile's own protection because the juvenile has recently suffered
3 or attempted self-inflicted physical injury. In such case, the juvenile
4 must have been refused admission by one appropriate hospital, and the
5 period of secure custody is limited to 24 hours to determine the need
6 for inpatient hospitalization. If the juvenile is placed in secure custody,
7 the juvenile shall receive continuous supervision and a physician shall
8 be notified immediately.
- 9 (7) The juvenile is alleged to be undisciplined by virtue of the juvenile's
10 being a runaway and is inappropriate for nonsecure custody placement
11 or refuses nonsecure custody, and the court finds that the juvenile
12 needs secure custody for up to 24 hours, excluding Saturdays,
13 Sundays, and State holidays, or where circumstances require, for a
14 period not to exceed 72 hours to evaluate the juvenile's need for
15 medical or psychiatric treatment or to facilitate reunion with the
16 juvenile's parents, guardian, or custodian.
- 17 (8) The juvenile is alleged to be undisciplined and has willfully failed to
18 appear in court after proper notice; the juvenile shall be brought to
19 court as soon as possible and in no event should be held more than 24
20 hours, excluding Saturdays, Sundays, and State holidays or where
21 circumstances require for a period not to exceed 72 hours."

22 **SECTION 2.** This act becomes effective December 1, 2001, and applies to
23 offenses committed on or after that date.