

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1048*

Short Title: Juvenile Jurisdiction to Age 18 Years. (Public)

Sponsors: Senators Kinnaird; and Nesbitt.

Referred to: Judiciary I.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO DEFINE DELINQUENT JUVENILE AS A JUVENILE WHO IS BETWEEN SIX YEARS OF AGE AND EIGHTEEN YEARS OF AGE WHO COMMITS A CRIME OR INFRACTION AND TO ESTABLISH THE TASK FORCE FOR JUVENILE JUSTICE ADMINISTRATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1501(7) reads as rewritten:

"In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings. The singular includes the plural, unless otherwise specified.

...

(7) Delinquent juvenile. – Any juvenile who, while less than ~~16~~18 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws.

...."

SECTION 2. G.S. 143B-515(7) reads as rewritten:

"In this Article, unless the context clearly requires otherwise, the following words have the listed meanings:

...

(7) Delinquent juvenile. – Any juvenile who, while less than ~~16~~18 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws.

...."

SECTION 3. G.S. 7B-1601 reads as rewritten:

"§ 7B-1601. Jurisdiction over delinquent juveniles.

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at the time of the alleged offense governs.

(b) When the court obtains jurisdiction over a juvenile alleged to be delinquent, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years, except as provided otherwise in this Article.

(c) When delinquency proceedings cannot be concluded before the juvenile reaches the age of 18 years, the court retains jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing the petition.



1 (d) When the court has not obtained jurisdiction over a juvenile before the juvenile
2 reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly
3 committed on or after the juvenile's thirteenth birthday and prior to the juvenile's ~~sixteenth~~
4 eighteenth birthday, the court has jurisdiction for the sole purpose of conducting proceedings
5 pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial
6 as an adult or dismissing the petition.

7 (e) The court has jurisdiction over delinquent juveniles in the custody of the
8 Department and over proceedings to determine whether a juvenile who is under the post-release
9 supervision of the juvenile court counselor has violated the terms of the juvenile's post-release
10 supervision.

11 (f) The court has jurisdiction over persons 18 years of age or older who are under the
12 extended jurisdiction of the juvenile court.

13 (g) The court has jurisdiction over the parent, guardian, or custodian of a juvenile who
14 is under the jurisdiction of the court pursuant to this section if the parent, guardian, or custodian
15 has been served with a summons pursuant to G.S. 7B-1805."

16 **SECTION 4.** G.S. 7B-1604 reads as rewritten:

17 **"§ 7B-1604. Limitations on juvenile court jurisdiction.**

18 (a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
19 commits a criminal offense on or after the juvenile's ~~sixteenth~~-eighteenth birthday is subject to
20 prosecution as an adult. A juvenile who is emancipated shall be prosecuted as an adult for the
21 commission of a criminal offense.

22 (b) A juvenile who is transferred to and convicted in superior court shall be prosecuted
23 as an adult for any criminal offense the juvenile commits after the superior court conviction."

24 **SECTION 5.(a)** Task Force Established. – There is established the Task Force for
25 Juvenile Justice Administration within the Office of the Governor. The Office of the Governor
26 shall provide professional and clerical staff and other services and supplies, including meeting
27 space, as needed for the Task Force to carry out its duties in an effective manner.

28 **SECTION 5.(b)** Membership. – The Task Force shall consist of 17 members. The
29 following members or their designees shall serve as ex officio members:

- 30 (1) The Secretary of the Department of Juvenile Justice and Delinquency
31 Prevention.
- 32 (2) The Director of the Administrative Office of the Courts.
- 33 (3) The Secretary of the Department of Health and Human Services.
- 34 (4) The Secretary of the Department of Correction.
- 35 (5) The Secretary of the Department of Crime Control and Public Safety.
- 36 (6) The Superintendent of Public Instruction.
- 37 (7) The Executive Director of the North Carolina Human Relations Commission
38 of the Department of Administration.

39 The remaining members shall be appointed as follows:

- 40 (1) Three persons appointed by the General Assembly, upon recommendation of
41 the Speaker of the House of Representatives.
- 42 (2) Three persons appointed by the General Assembly, upon recommendation of
43 the President Pro Tempore of the Senate.
- 44 (3) One juvenile court counselor, appointed by the Governor.
- 45 (4) One representative from the Governor's Crime Commission, appointed by
46 the Governor.
- 47 (5) One representative from the North Carolina Sentencing and Policy Advisory
48 Commission, appointed by the Governor.
- 49 (6) One representative from the North Carolina Human Relations Commission
50 of the Department of Administration, appointed by the Governor.

1 Appointments to the Task Force shall be made no later than September 1, 2009. A
2 vacancy in the Task Force or a vacancy as chair of the Task Force resulting from the
3 resignation of a member or otherwise shall be filled in the same manner in which the original
4 appointment was made.

5 **SECTION 5.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and
6 the Speaker of the House of Representatives shall each designate one member to serve as
7 cochair of the Task Force.

8 The cochairs shall call the initial meeting of the Task Force on or before October 1,
9 2009. The Task Force shall subsequently meet upon such notice and in such manner as its
10 members determine. A majority of the members of the Task Force shall constitute a quorum.

11 **SECTION 5.(d)** Expenses of Members. – Members of the Task Force shall receive
12 per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6,
13 as appropriate.

14 **SECTION 5.(e)** The Office of the Governor shall provide staff to the Task Force at
15 the request of the Task Force.

16 **SECTION 5.(f)** Cooperation by Government Agencies. – The Task Force may call
17 upon any department, agency, institution, or officer of the State or any political subdivision
18 thereof for facilities, data, or other assistance.

19 **SECTION 5.(g)** Duties of Task Force. – The Task Force shall study issues related
20 to juvenile justice administration and shall analyze the legal, systematic, and organizational
21 impact of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency
22 Prevention to include persons 16 and 17 years of age who commit crimes or infractions under
23 State law or under an ordinance of local government. In particular, the Task Force shall:

- 24 (1) Identify the costs to the State court system and State and local law
25 enforcement.
- 26 (2) Review the relevant State laws that should be conformed or amended as a
27 result of revising the definition of delinquent juvenile to include 16- and
28 17-year-old persons, including the motor vehicle and criminal laws, the laws
29 regarding expunction of criminal records, and other juvenile laws. The Task
30 Force shall make recommendations to the General Assembly regarding
31 proposed legislative amendments.
- 32 (3) Identify best practices and develop proposals to eliminate the racial disparity
33 in complaints, commitments, community program availability, utilization
34 and success rates, and other key decision and impact points in the juvenile
35 justice process.
- 36 (4) Develop proposals regarding community programs that would provide
37 rehabilitative services to juveniles in a treatment-oriented environment and
38 incorporate best practices as recommended in subdivision (3) of this
39 subsection.
- 40 (5) Determine the total cost of expanding the jurisdiction of the Department of
41 Juvenile Justice and Delinquency Prevention to include persons who are 16
42 and 17 years of age who commit crimes or infractions under State law or
43 under an ordinance of local government.

44 **SECTION 5.(h)** Consultation. – The Task Force shall consult with appropriate
45 State departments, agencies, and board representatives on issues related to juvenile justice
46 administration.

47 **SECTION 5.(i)** Report. – The Task Force shall submit an interim report to the
48 2010 Regular Session of the 2009 General Assembly and shall submit a final report of its
49 findings and recommendations, including legislative, administrative, and funding
50 recommendations, by January 15, 2011, to the General Assembly, the Governor, and the
51 citizens of the State. The Task Force shall terminate upon filing its final report.

1 **SECTION 5.(j)** Funding. – The Task Force may apply for, receive, and accept
2 grants of non-State funds or other contributions as appropriate to assist in the performance of
3 its duties.

4 **SECTION 6.** Sections 1 through 4 of this act become effective December 1, 2011,
5 and apply to acts or offenses committed on or after that date. The remainder of this act is
6 effective when it becomes law.