

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS15118-SA-12A* (02/03)

Short Title: Juvenile Age to 18.

(Public)

Sponsors: Senators Hartsell, Bingham, and McKissick (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED DELINQUENT FOR A CLASS A-E FELONY SHALL BE TRANSFERRED TO ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2015, G.S. 7B-1501(7) reads as rewritten:

"(7) Delinquent juvenile. –

a. Any juvenile who, while less than 16 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, or who commits indirect contempt by a juvenile as defined in ~~G.S. 5A-31~~G.S. 5A-31; or

b. Any juvenile who, while less than 16 years and six months of age but at least 16 years of age, commits a crime or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31."

SECTION 1.(b) Effective July 1, 2016, G.S. 7B-1501(7) reads as rewritten:

"(7) Delinquent juvenile. –

a. Any juvenile who, while less than 16 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, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31; or

b. Any juvenile who, while less than ~~16 years and six months~~17 years of age but at least 16 years of age, commits a crime or infraction under State law or under an ordinance of local government,



1 excluding violation of the motor vehicle laws, or who commits
2 indirect contempt by a juvenile as defined in G.S. 5A-31."

3 **SECTION 1.(c)** Effective July 1, 2017, G.S. 7B-1501(7) reads as rewritten:

4 "(7) Delinquent juvenile. –

5 a. Any juvenile who, while less than 16 years of age but at least 6 years
6 of age, commits a crime or infraction under State law or under an
7 ordinance of local government, including violation of the motor
8 vehicle laws, or who commits indirect contempt by a juvenile as
9 defined in G.S. 5A-31; or

10 b. Any juvenile who, while less than 17 years and six months of age but
11 at least 16 years of age, commits a crime or infraction under State
12 law or under an ordinance of local government, excluding violation
13 of the motor vehicle laws, or who commits indirect contempt by a
14 juvenile as defined in G.S. 5A-31."

15 **SECTION 1.(d)** Effective July 1, 2018, G.S. 7B-1501(7) reads as rewritten:

16 "(7) Delinquent juvenile. –

17 a. Any juvenile who, while less than 16 years of age but at least 6 years
18 of age, commits a crime or infraction under State law or under an
19 ordinance of local government, including violation of the motor
20 vehicle laws, or who commits indirect contempt by a juvenile as
21 defined in G.S. 5A-31; or

22 b. Any juvenile who, while less than ~~17 years and six months~~18 years
23 of age but at least 16 years of age, commits a crime or infraction
24 under State law or under an ordinance of local government,
25 excluding violation of the motor vehicle laws, or who commits
26 indirect contempt by a juvenile as defined in G.S. 5A-31."

27 **SECTION 2.** Effective July 1, 2015, G.S. 7B-1501(11) reads as rewritten:

28 "(11) Holdover facility. – A place located in a jail-jail, which has been approved
29 by the Department of Health and Human Services as meeting the State
30 standards for ~~detention~~the operation of local confinement facilities, as
31 required in ~~G.S. 153A-221~~G.S. 153A-221, providing close supervision
32 where ~~the~~a juvenile cannot converse with, see, or be seen by the adult
33 population."

34 **SECTION 3.(a)** Effective July 1, 2015, G.S. 7B-1601 reads as rewritten:

35 "**§ 7B-1601. Jurisdiction over delinquent juveniles.**

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

39 (b) When the court obtains jurisdiction over a juvenile alleged to be
40 ~~delinquent~~delinquent for an offense committed prior to the juvenile reaching the age of 16
41 years, jurisdiction shall continue until terminated by order of the court or until the juvenile
42 reaches the age of 18 years, except as provided otherwise in this Article.

43 (b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
44 offense that would be a Class 1, 2, or 3 misdemeanor offense if committed by an adult and the
45 offense was committed while the juvenile was at least 16 years of age, jurisdiction shall
46 continue until terminated by order of the court or until the juvenile reaches the age of 19 years.

47 (b2) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
48 offense that would be a Class A1 misdemeanor or felony offense if committed by an adult and
49 the offense was committed while the juvenile was at least 16 years of age, jurisdiction shall
50 continue until terminated by order of the court or until the juvenile reaches the age of 21 years.

1 (c) When delinquency proceedings cannot be concluded before the juvenile reaches the
2 age of ~~18-21~~ years, the court retains jurisdiction for the sole purpose of conducting proceedings
3 pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial
4 as an adult or dismissing the petition.

5 (d) When the court has not obtained jurisdiction over a juvenile before the juvenile
6 reaches the age of ~~18,21~~, for a felony and any related misdemeanors the juvenile allegedly
7 committed on or after the juvenile's thirteenth birthday and prior to the ~~juvenile's sixteenth~~
8 ~~birthday, juvenile reaching the age of 16 years and six months~~, the court has jurisdiction for the
9 sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either
10 transferring the case to superior court for trial as an adult or dismissing the petition.

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

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

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

20 **SECTION 3.(b)** Effective July 1, 2016, G.S. 7B-1601(d) reads as rewritten:

21 "(d) When the court has not obtained jurisdiction over a juvenile before the juvenile
22 reaches the age of 21, for a felony and any related misdemeanors the juvenile allegedly
23 committed on or after the juvenile's thirteenth birthday and prior to the juvenile reaching the
24 age of ~~16 years and six months~~, 17 years, the court has jurisdiction for the sole purpose of
25 conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to
26 superior court for trial as an adult or dismissing the petition."

27 **SECTION 3.(c)** Effective July 1, 2017, G.S. 7B-1601(b1) reads as rewritten:

28 "(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
29 offense that would be a Class 1, 2, or 3 misdemeanor offense if committed by an adult and the
30 offense was committed while the juvenile was at least 16 years of ~~age, age but less than 17 years~~
31 of age, jurisdiction shall continue until terminated by order of the court or until the juvenile
32 reaches the age of 19 years. If the offense was committed while the juvenile was at least 17
33 years of age, jurisdiction shall continue until terminated by order of the court or until the
34 juvenile reaches the age of 20 years."

35 **SECTION 3.(d)** Effective July 1, 2017, G.S. 7B-1601(d) reads as rewritten:

36 "(d) When the court has not obtained jurisdiction over a juvenile before the juvenile
37 reaches the age of 21, for a felony and any related misdemeanors the juvenile allegedly
38 committed on or after the juvenile's thirteenth birthday and prior to the juvenile reaching the
39 age of ~~17 years, years and six months~~, the court has jurisdiction for the sole purpose of
40 conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to
41 superior court for trial as an adult or dismissing the petition."

42 **SECTION 3.(e)** Effective July 1, 2018, G.S. 7B-1601(d) reads as rewritten:

43 "(d) When the court has not obtained jurisdiction over a juvenile before the juvenile
44 reaches the age of 21, for a felony and any related misdemeanors the juvenile allegedly
45 committed on or after the juvenile's thirteenth birthday and prior to the juvenile reaching the
46 age of ~~17 years and six months~~, 18 years, the court has jurisdiction for the sole purpose of
47 conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to
48 superior court for trial as an adult or dismissing the petition."

49 **SECTION 4.** Effective July 1, 2015, G.S. 7B-1602(b) reads as rewritten:

50 "(b) When a juvenile is committed to the Department for placement in a youth
51 development center for an offense that would be a Class B1, B2, C, D, or E felony if committed

1 by an adult, other than an offense set forth in subsection (a) of this section, and the offense was
2 committed while the juvenile was less than 16 years of age, jurisdiction shall continue until
3 terminated by order of the court or until the juvenile reaches the age of 19 years, whichever
4 occurs first."

5 **SECTION 5.(a)** Effective July 1, 2015, G.S. 7B-1604 reads as rewritten:

6 "**§ 7B-1604. Limitations on juvenile court jurisdiction.**

7 (a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
8 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~ date the juvenile reaches
9 the age of 16 years and six months is subject to prosecution as an adult. A juvenile who is
10 emancipated shall be prosecuted as an adult for the commission of a criminal offense.

11 (b) A juvenile (i) who is transferred to and convicted in superior court or (ii) who
12 has previously been convicted in either district or superior court for a felony, including a
13 violation of the motor vehicle laws under State law shall be prosecuted as an adult for any
14 criminal offense the juvenile commits after the superior court conviction."

15 **SECTION 5.(b)** Effective July 1, 2016, G.S. 7B-1604(a) reads as rewritten:

16 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
17 commits a criminal offense on or after the juvenile has reached the age of ~~16 years and six~~
18 ~~months~~ 17 years is subject to prosecution as an adult. A juvenile who is emancipated shall be
19 prosecuted as an adult for the commission of a criminal offense."

20 **SECTION 5.(c)** Effective July 1, 2017, G.S. 7B-1604(a) reads as rewritten:

21 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
22 commits a criminal offense on or after the juvenile has reached the age of 17 years and six
23 months is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted
24 as an adult for the commission of a criminal offense."

25 **SECTION 5.(d)** Effective July 1, 2018, G.S. 7B-1604(a) reads as rewritten:

26 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
27 commits a criminal offense on or after the juvenile has reached the age of ~~17 years and six~~
28 ~~months~~ 18 years is subject to prosecution as an adult. A juvenile who is emancipated shall be
29 prosecuted as an adult for the commission of a criminal offense."

30 **SECTION 6.** Effective July 1, 2015, G.S. 7B-2200 reads as rewritten:

31 "**§ 7B-2200. Transfer of jurisdiction of juvenile to superior court.**

32 (a) After notice, hearing, and a finding of probable cause the court may, upon motion of
33 the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a
34 juvenile to superior court if the juvenile was 13 years of age or older at the time the juvenile
35 allegedly committed an offense that would be a felony if committed by an adult.

36 (b) If the alleged felony constitutes a Class A felony and the court finds probable cause,
37 the court shall transfer the case to the superior court for trial as in the case of adults.

38 (c) If the juvenile was at least 16 years of age at the time the juvenile allegedly
39 committed an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult,
40 after notice, hearing, and a finding of probable cause the court shall transfer jurisdiction to
41 superior court for trial as in the case of adults. However, notwithstanding any other provision of
42 this subsection, the court may retain jurisdiction only if, upon motion of the prosecutor, the
43 court makes a finding of extraordinary circumstances."

44 **SECTION 7.** Effective July 1, 2015, G.S. 7B-2204 reads as rewritten:

45 "**§ 7B-2204. Right to pretrial release; detention.**

46 (a) Once the order of transfer has been entered, the juvenile has the right to pretrial
47 release as provided in G.S. 15A-533 and G.S. 15A-534. The release order shall specify the
48 person or persons to whom the juvenile may be released.

49 (b) If the juvenile is under the age of 16 years, pending ~~Pending~~ release, the court shall
50 order that the juvenile be detained in a detention facility while awaiting trial. The court may
51 order the juvenile to be held in a holdover facility at any time the presence of the juvenile is

1 required in court for pretrial hearings or trial, if the court finds that it would be inconvenient to
2 return the juvenile to the detention facility.

3 (c) If the juvenile is at least 16 years of age, pending release, the court shall order that
4 the juvenile be detained in a holdover facility unless the court finds that detention in a holdover
5 facility is not appropriate, or that the juvenile is not physically capable of caring for himself or
6 herself, and orders that the juvenile be detained in a detention facility awaiting trial.

7 (d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a
8 criminal offense in superior court and receive an active sentence, then immediate transfer to the
9 Department of Correction shall be ordered. Until such time as the juvenile is transferred to the
10 Department of Correction, the juvenile may be detained in a holdover facility. The juvenile
11 may not be detained in a detention facility pending transfer to the Department of Correction.

12 The juvenile may be kept by the Department of Correction as a safekeeper until the juvenile
13 is placed in an appropriate correctional program."

14 **SECTION 8.** Effective July 1, 2015, G.S. 7B-2506 reads as rewritten:

15 "**§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

16 The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may
17 use the following alternatives in accordance with the dispositional structure set forth in
18 G.S. 7B-2508:

19 (1) In the case of any juvenile under the age of 18 years who needs more
20 adequate care or supervision or who needs placement, the judge may:

21 ...

22 (2) Excuse ~~the a~~ juvenile under the age of 16 years from compliance with the
23 compulsory school attendance law when the court finds that suitable
24 alternative plans can be arranged by the family through other community
25 resources for one of the following:

- 26 a. An education related to the needs or abilities of the juvenile
27 including vocational education or special education;
28 b. A suitable plan of supervision or placement; or
29 c. Some other plan that the court finds to be in the best interests of the
30 juvenile.

31 (3) Order the juvenile to cooperate with a community-based program, an
32 intensive substance abuse treatment program, or a residential or
33 nonresidential treatment program. ~~Participation in the programs shall not~~
34 ~~exceed 12 months.~~

35"

36 **SECTION 9.** Effective July 1, 2015, G.S. 7B-2507 reads as rewritten:

37 "**§ 7B-2507. Delinquency history levels.**

38 (a) Generally. – The delinquency history level for a delinquent juvenile is determined
39 by calculating the sum of the points assigned to each of the juvenile's prior adjudications or
40 convictions and to the juvenile's probation status, if any, that the court finds to have been
41 proved in accordance with this section.

42 (b) Points. – Points are assigned as follows:

43 (1) For each prior adjudication of a Class A through E felony offense, 4 points.

44 (2) For each prior adjudication of a Class F through I felony offense or Class A1
45 misdemeanor offense, 2 points.

46 (2a) For each prior conviction of a Class A1 misdemeanor, excluding conviction
47 for violation of the motor vehicle laws, 2 points.

48 (2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
49 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
50 death by vehicle (G.S. 20-141.4(a2)), 2 points.

1 (3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, 1
2 point.

3 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,
4 excluding conviction for violation of the motor vehicle laws, 1 point.

5 (4) If the juvenile was on probation at the time of offense, 2 points.

6 No points shall be assigned for a prior adjudication that a juvenile is in direct contempt of
7 court or indirect contempt of court.

8 (c) Delinquency History Levels. – The delinquency history levels are:

9 (1) Low – No more than 1 point.

10 (2) Medium – At least 2, but not more than 3 points.

11 (3) High – At least 4 points.

12 In determining the delinquency history level, the classification of a prior offense is the
13 classification assigned to that offense at the time the juvenile committed the offense for which
14 disposition is being ordered.

15 (d) Multiple Prior Adjudications or Convictions Obtained in One Court Session. – For
16 purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent or
17 convicted for more than one offense in a single session of district court, only the adjudication
18 or conviction for the offense with the highest point total is used.

19 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. –
20 Except as otherwise provided in this subsection, an adjudication or conviction occurring in a
21 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in
22 which the offense occurred classifies the offense as a felony, or is classified as a Class 3
23 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a
24 misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense
25 classified as a felony in the other jurisdiction is substantially similar to an offense that is a
26 misdemeanor in North Carolina, the adjudication or conviction is treated as that class of
27 misdemeanor for assigning delinquency history level points. If the State proves by the
28 preponderance of the evidence that an offense classified as either a misdemeanor or a felony in
29 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as
30 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for
31 assigning delinquency history level points. If the State proves by the preponderance of the
32 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially
33 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication
34 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level
35 points.

36 (f) ~~Proof of Prior Adjudications.~~ Adjudications or Convictions. – A prior adjudication or
37 conviction shall be proved by any of the following methods:

38 (1) Stipulation of the parties.

39 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication
40 or conviction.

41 (3) A copy of records maintained by the Division of Criminal Information or by
42 the Department.

43 (4) Any other method found by the court to be reliable.

44 The State bears the burden of proving, by a preponderance of the evidence, that a prior
45 adjudication or conviction exists and that the juvenile before the court is the same person as the
46 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of
47 the court records or a copy of the records maintained by the Division of Criminal Information
48 or of the Department, bearing the same name as that by which the juvenile is charged, is prima
49 facie evidence that the juvenile named is the same person as the juvenile before the court, and
50 that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a
51 paper writing containing a reproduction of a record maintained electronically on a computer or

1 other data processing equipment, and a document produced by a facsimile machine. The
2 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full
3 record. Evidence presented by either party at trial may be utilized to prove prior
4 ~~adjudications~~ adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish
5 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time
6 sufficient to allow the juvenile to determine if the record available to the prosecutor is
7 accurate."

8 **SECTION 10.(a)** Effective July 1, 2015, G.S. 7B-2513(a) reads as rewritten:

9 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
10 juvenile who is at least 10 years of age to the Department for placement in a youth
11 development center. Commitment shall be for an indefinite term of at least six months.

12 (a1) In no event shall the term exceed: For an offense the juvenile committed prior to
13 reaching the age of 16 years the term shall not exceed:

14 (1) The twenty-first birthday of the juvenile if the juvenile has been committed
15 to the Department for an offense that would be first-degree murder pursuant
16 to G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree
17 sexual offense pursuant to G.S. 14-27.4 if committed by an adult;

18 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to
19 the Department for an offense that would be a Class B1, B2, C, D, or E
20 felony if committed by an adult, other than an offense set forth in
21 subdivision (1) of this subsection; or

22 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to
23 the Department for an offense other than an offense that would be a Class A,
24 B1, B2, C, D, or E felony if committed by an adult.

25 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
26 the term shall not exceed:

27 (1) The 21st birthday if the juvenile has been committed to the Department for
28 an offense that would be a felony or a Class A1 misdemeanor if committed
29 by an adult; or

30 (2) The 19th birthday if the juvenile has been committed to the Department for
31 an offense that would be a Class 1, 2, or 3 misdemeanor if committed by an
32 adult.

33 (a3) Reserved.

34 (a4) No juvenile shall be committed to a youth development center beyond the minimum
35 six-month commitment for a period of time in excess of the maximum term of imprisonment
36 for which an adult in prior record level VI for felonies or in prior conviction level III for
37 misdemeanors could be sentenced for the same offense, except when the Department pursuant
38 to G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an
39 additional period of time to continue care or treatment under the plan of care or treatment
40 developed under subsection (f) of this section. At the time of commitment to a youth
41 development center, the court shall determine the maximum period of time the juvenile may
42 remain committed before a determination must be made by the Department pursuant to
43 G.S. 7B-2515 and shall notify the juvenile of that determination."

44 **SECTION 10.(b)** Effective July 1, 2017, G.S. 7B-2513(a2) reads as rewritten:

45 "(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
46 but less than 17 years of age, the term shall not exceed:

47 (1) The 21st birthday if the juvenile has been committed to the Department for
48 an offense that would be a felony or a Class A1 misdemeanor if committed
49 by an adult; or

- 1 (2) The 19th birthday if the juvenile has been committed to the Department for
2 an offense that would be a Class 1, 2, or 3 misdemeanor if committed by an
3 adult."

4 **SECTION 10.(c)** Effective July 1, 2017, G.S. 7B-2513(a3) reads as rewritten:

5 "(a3) For an offense the juvenile committed while the juvenile was at least 17 years of age
6 the term shall not exceed:

- 7 (1) The 21st birthday if the juvenile has been committed to the Department for
8 an offense that would be a felony or a Class A1 misdemeanor if committed
9 by an adult; or
10 (2) The 20th birthday if the juvenile has been committed to the Department for
11 an offense that would be a Class 1, 2, or 3 misdemeanor if committed by an
12 adult."

13 **SECTION 11.** Effective July 1, 2015, G.S. 7B-2515(a) reads as rewritten:

14 "(a) In determining whether a juvenile who was committed to the Department for an
15 offense that was committed prior to the juvenile reaching the age of 16 years should be released
16 before the juvenile's 18th birthday, the Department shall consider the protection of the public
17 and the likelihood that continued placement will lead to further rehabilitation. If the
18 Department does not intend to release the juvenile who was committed for an offense that was
19 committed prior to the juvenile reaching the age of 16 years prior to the juvenile's eighteenth
20 birthday, or if the Department determines that the juvenile's commitment should be continued
21 beyond the maximum commitment period as set forth in ~~G.S. 7B-2513(a)~~, G.S. 7B-2513(a1),
22 the Department shall notify the juvenile and the juvenile's parent, guardian, or custodian in
23 writing at least 30 days in advance of the juvenile's eighteenth birthday or the end of the
24 maximum commitment period, of the additional specific commitment period proposed by the
25 Department, the basis for extending the commitment period, and the plan for future care or
26 treatment."

27 **SECTION 12.** Effective July 1, 2015, G.S. 7B-2603(b) reads as rewritten:

28 "(b) Once an order of transfer has been entered by the district court, the juvenile has the
29 right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534.
30 ~~Pending release, the juvenile shall be detained pursuant to G.S. 7B-2204. The release order~~
31 ~~shall specify the person or persons to whom the juvenile may be released. Pending release, the~~
32 ~~court shall order that the juvenile be detained in a detention facility while awaiting trial. The~~
33 ~~court may order the juvenile to be held in a holdover facility as defined by G.S. 7B-1501 at any~~
34 ~~time the presence of the juvenile is required in court for pretrial hearings or trial, if the court~~
35 ~~finds that it would be inconvenient to return the juvenile to the detention facility."~~

36 **SECTION 13.(a)** Effective July 1, 2015, the introductory language of
37 G.S. 5A-31(a) reads as rewritten:

38 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
39 years of age, (ii) is not yet 16 years and six months of age, and (iii) has not been convicted of
40 any crime in superior court, is contempt by a juvenile:"

41 **SECTION 13.(b)** Effective July 1, 2016, the introductory language of
42 G.S. 5A-31(a) reads as rewritten:

43 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
44 years of age, (ii) is not yet ~~16 years and six months~~ 17 years of age, and (iii) has not been
45 convicted of any crime in superior court, is contempt by a juvenile:"

46 **SECTION 13.(c)** Effective July 1, 2017, the introductory language of
47 G.S. 5A-31(a) reads as rewritten:

48 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
49 years of age, (ii) is not yet 17 years and six months of age, and (iii) has not been convicted of
50 any crime in superior court, is contempt by a juvenile:"

1 **SECTION 13.(d)** Effective July 1, 2018, the introductory language of
2 G.S. 5A-31(a) reads as rewritten:

3 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
4 years of age, (ii) is not yet ~~17 years and six months~~ 18 years of age, and (iii) has not been
5 convicted of any crime in superior court, is contempt by a juvenile:"

6 **SECTION 14.(a)** Effective July 1, 2015, G.S. 5A-34(b) reads as rewritten:

7 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
8 by a minor who:

- 9 (1) Is 16 years and six months of age or older;
- 10 (2) Is married or otherwise emancipated; or
- 11 (3) Before the act or omission, was convicted in superior court of any criminal
12 offense."

13 **SECTION 14.(b)** Effective July 1, 2016, G.S. 5A-34(b) reads as rewritten:

14 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
15 by a minor who:

- 16 (1) Is ~~16 years and six months~~ 17 years of age or older;
- 17 (2) Is married or otherwise emancipated; or
- 18 (3) Before the act or omission, was convicted in superior court of any criminal
19 offense."

20 **SECTION 14.(c)** Effective July 1, 2017, G.S. 5A-34(b) reads as rewritten:

21 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
22 by a minor who:

- 23 (1) Is 17 years and six months of age or older;
- 24 (2) Is married or otherwise emancipated; or
- 25 (3) Before the act or omission, was convicted in superior court of any criminal
26 offense."

27 **SECTION 14.(d)** Effective July 1, 2018, G.S. 5A-34(b) reads as rewritten:

28 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
29 by a minor who:

- 30 (1) Is ~~17 years and six months~~ 18 years of age or older;
- 31 (2) Is married or otherwise emancipated; or
- 32 (3) Before the act or omission, was convicted in superior court of any criminal
33 offense."

34 **SECTION 15.(a)** Effective July 1, 2015, G.S. 143B-515(7) reads as rewritten:

35 "(7) Delinquent juvenile. –

36 a. Any juvenile who, while less than 16 years of age but at least 6 years
37 of age, commits a crime or infraction under State law or under an
38 ordinance of local government, including violation of the motor
39 vehicle ~~laws-laws; or~~

40 b. Any juvenile who, while less than 16 years and six months of age but
41 at least 16 years of age, commits a crime or infraction under State
42 law or under an ordinance of local government, excluding violation
43 of the motor vehicle laws."

44 **SECTION 15.(b)** Effective July 1, 2016, G.S. 143B-515(7) reads as rewritten:

45 "(7) Delinquent juvenile. –

46 a. Any juvenile who, while less than 16 years of age but at least 6 years
47 of age, commits a crime or infraction under State law or under an
48 ordinance of local government, including violation of the motor
49 vehicle laws; or

50 b. Any juvenile who, while less than ~~16 years and six months~~ 17 years
51 of age but at least 16 years of age, commits a crime or infraction

1 under State law or under an ordinance of local government,
2 excluding violation of the motor vehicle laws."

3 **SECTION 15.(c)** Effective July 1, 2017, G.S. 143B-515(7) reads as rewritten:

4 "(7) Delinquent juvenile. –

5 a. Any juvenile who, while less than 16 years of age but at least 6 years
6 of age, commits a crime or infraction under State law or under an
7 ordinance of local government, including violation of the motor
8 vehicle laws; or

9 b. Any juvenile who, while less than 17 years and six months of age but
10 at least 16 years of age, commits a crime or infraction under State
11 law or under an ordinance of local government, excluding violation
12 of the motor vehicle laws."

13 **SECTION 15.(d)** Effective July 1, 2018, G.S. 143B-515(7) reads as rewritten:

14 "(7) Delinquent juvenile. –

15 a. Any juvenile who, while less than 16 years of age but at least 6 years
16 of age, commits a crime or infraction under State law or under an
17 ordinance of local government, including violation of the motor
18 vehicle laws; or

19 b. Any juvenile who, while less than ~~17 years and six months~~ 18 years
20 of age but at least 16 years of age, commits a crime or infraction
21 under State law or under an ordinance of local government,
22 excluding violation of the motor vehicle laws."

23 **SECTION 16.** Effective July 1, 2015, G.S. 143B-516(b) reads as rewritten:

24 "(b) The Secretary shall have the following powers and duties:

25 ...

26 (19) Provide for the transportation to and from any State or local juvenile facility,
27 of any person under the jurisdiction of the juvenile court for any purpose
28 required by Chapter 7B of the General Statutes or upon order of the court."

29 **SECTION 17.(a)** Effective July 1, 2015, G.S. 14-316.1 reads as rewritten:

30 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

31 Any person who is at least 16 years and six months old who knowingly or willfully causes,
32 encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
33 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
34 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
35 of a Class 1 misdemeanor.

36 It is not necessary for the district court exercising juvenile jurisdiction to make an
37 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
38 prosecute a parent or any person, including an employee of the Department of Juvenile Justice
39 and Delinquency Prevention under this section. An adjudication that a juvenile is delinquent,
40 undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or
41 any other person including an employee of the Department of Juvenile Justice and Delinquency
42 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected condition of
43 any juvenile."

44 **SECTION 17.(b)** Effective July 1, 2016, G.S. 14-316.1 reads as rewritten:

45 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

46 Any person who is at least ~~16 years and six months~~ 17 years old who knowingly or willfully
47 causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
48 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
49 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
50 of a Class 1 misdemeanor.

1 It is not necessary for the district court exercising juvenile jurisdiction to make an
2 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
3 prosecute a parent or any person, including an employee of the Department of Juvenile Justice
4 and Delinquency Prevention under this section. An adjudication that a juvenile is delinquent,
5 undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or
6 any other person including an employee of the Department of Juvenile Justice and Delinquency
7 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected condition of
8 any juvenile."

9 **SECTION 17.(c)** Effective July 1, 2017, G.S. 14-316.1 reads as rewritten:

10 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

11 Any person who is at least 17 years and six months old who knowingly or willfully causes,
12 encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
13 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
14 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
15 of a Class 1 misdemeanor.

16 It is not necessary for the district court exercising juvenile jurisdiction to make an
17 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
18 prosecute a parent or any person, including an employee of the Department of Juvenile Justice
19 and Delinquency Prevention under this section. An adjudication that a juvenile is delinquent,
20 undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or
21 any other person including an employee of the Department of Juvenile Justice and Delinquency
22 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected condition of
23 any juvenile."

24 **SECTION 17.(d)** Effective July 1, 2018, G.S. 14-316.1 reads as rewritten:

25 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

26 Any person who is at least ~~17 years and six months~~ 18 years old who knowingly or willfully
27 causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
28 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
29 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty
30 of a Class 1 misdemeanor.

31 It is not necessary for the district court exercising juvenile jurisdiction to make an
32 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
33 prosecute a parent or any person, including an employee of the Department of Juvenile Justice
34 and Delinquency Prevention under this section. An adjudication that a juvenile is delinquent,
35 undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or
36 any other person including an employee of the Department of Juvenile Justice and Delinquency
37 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected condition of
38 any juvenile."

39 **SECTION 18.** Effective July 1, 2015, G.S. 20-106 is recodified as G.S. 14-72.9.

40 **SECTION 19.** For purposes of this act, the determination of a juvenile's age shall
41 be from the date of birth in the month of birth to the same date in each calendar month.

42 **SECTION 20.(a)** Section 18.9(f) of S.L. 2009-451 reads as rewritten:

43 **"SECTION 18.9.(f)** Duties of Task Force. – The Task Force shall determine whether the
44 State should amend the laws concerning persons 16 and 17 years of age who commit crimes or
45 infractions, including a determination of whether the Juvenile Code or the Criminal Procedure
46 Act should be revised to provide appropriate sanctions, services, and treatment for those
47 offenders and a study of expanding the jurisdiction of the Department of Juvenile Justice and
48 Delinquency Prevention to include persons 16 and 17 years of age who commit crimes or
49 infractions. As part of its study, the Task Force shall also develop an implementation plan that
50 may be used if it is determined that it is appropriate to expand the jurisdiction of the
51 Department of Juvenile Justice and Delinquency Prevention to include persons 16 and 17 years

1 of age who commit crimes or infractions. In particular, the Task Force shall consider all of the
2 following:

- 3 (1) The costs to the State court system and State and local law enforcement.
- 4 (2) The relevant State laws that should be conformed or amended as a result of
5 revising the definition of delinquent juvenile to include 16- and 17-year-old
6 persons, including the motor vehicle and criminal laws, the laws regarding
7 expunction of criminal records, and other juvenile laws. The Task Force
8 shall make recommendations to the General Assembly regarding proposed
9 legislative amendments.
- 10 (3) Proposals to eliminate the racial disparity in complaints, commitments,
11 community program availability, utilization and success rates, and other key
12 decision and impact points in the juvenile justice process.
- 13 (4) Proposals regarding community programs that would provide rehabilitative
14 services to juveniles in a treatment-oriented environment and incorporate
15 best practices as recommended in subdivision (3) of this subsection.
- 16 (5) The total cost of expanding the jurisdiction of the Department of Juvenile
17 Justice and Delinquency Prevention to include persons who are 16 and 17
18 years of age who commit crimes or infractions under State law or under an
19 ordinance of local government.
- 20 (6) The implications of revising the definition of delinquent juvenile to include
21 16- and 17-year-olds, as it relates to other laws based on age, including laws
22 requiring school attendance and drivers license laws.
- 23 (7) Whether standards should be established for determining when a juvenile
24 should be transferred to superior court, including whether there should be
25 presumptions that certain offenses should or should not result in a transfer to
26 superior court.
- 27 (8) Whether a 16- or 17-year-old who is alleged to have committed a felony
28 motor vehicle offense should be considered a juvenile or an adult.
- 29 (9) Any other related issues that the Task Force considers necessary.

30 Upon enactment of legislation expanding the jurisdiction of the Department of Juvenile
31 Justice and Delinquency Prevention to include persons 16 and 17 years of age who commit
32 crimes or infractions, the Task Force shall monitor and review the implementation of the
33 expansion and shall make additional recommendations to the General Assembly as necessary."

34 **SECTION 20.(b)** Effective January 14, 2011, Section 18.9(h) of S.L. 2009-451
35 reads as rewritten:

36 "**SECTION 18.9.(h)** Report. – The Task Force shall submit an interim report to the 2010
37 Regular Session of the 2009 General Assembly, with copies to the Joint Legislative
38 Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the
39 Appropriations Subcommittees on Justice and Public Safety of both houses and shall submit a
40 final report of its findings and recommendations, including legislative, administrative, and
41 funding recommendations, by ~~January 15, 2011~~, January 15, 2019, to the General Assembly, the
42 Governor, and the citizens of the State. The Task Force shall terminate upon filing its final
43 report."

44 **SECTION 21.** Except as otherwise provided in this act, this act is effective when it
45 becomes law.