

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 506*

Short Title: Juvenile Age to 18.

(Public)

Sponsors: Senators Hartsell, Bingham, McKissick; D. Berger and Blue.

Referred to: Rules and Operations of the Senate.

April 5, 2011

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

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



1 "(7) Delinquent juvenile. –

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

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

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

13 "(7) Delinquent juvenile. –

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

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

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

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

32 **"§ 7B-1601. Jurisdiction over delinquent juveniles.**

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

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

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

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

48 (c) When delinquency proceedings cannot be concluded before the juvenile reaches the
49 age of ~~18-21~~ years, the court retains jurisdiction for the sole purpose of conducting proceedings
50 pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial
51 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 ~~18,21~~, 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 ~~birthday,~~juvenile reaching the age of 16 years and six months, the court has jurisdiction for the
5 sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either
6 transferring the case to superior court for trial 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 3.(b)** Effective July 1, 2016, G.S. 7B-1601(d) reads as rewritten:

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

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

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

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

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

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

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

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

46 "(b) When a juvenile is committed to the Department for placement in a youth
47 development center for an offense that would be a Class B1, B2, C, D, or E felony if committed
48 by an adult, other than an offense set forth in subsection (a) of this section, and the offense was
49 committed while the juvenile was less than 16 years of age, jurisdiction shall continue until
50 terminated by order of the court or until the juvenile reaches the age of 19 years, whichever
51 occurs first."

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

2 "**§ 7B-1604. Limitations on juvenile court jurisdiction.**

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

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

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

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

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

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

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

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

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

27 "**§ 7B-2200. Transfer of jurisdiction of juvenile to superior court.**

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

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

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

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

41 "**§ 7B-2204. Right to pretrial release; detention.**

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

45 (b) If the juvenile is under the age of 16 years, pending~~Pending~~ release, the court shall
46 order that the juvenile be detained in a detention facility while awaiting trial. The court may
47 order the juvenile to be held in a holdover facility at any time the presence of the juvenile is
48 required in court for pretrial hearings or trial, if the court finds that it would be inconvenient to
49 return the juvenile to the detention facility.

50 (c) If the juvenile is at least 16 years of age, pending release, the court shall order that
51 the juvenile be detained in a holdover facility unless the court finds that detention in a holdover

1 facility is not appropriate, or that the juvenile is not physically capable of caring for himself or
2 herself, and orders that the juvenile be detained in a detention facility awaiting trial.

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

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

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

11 **"§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

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

17 ...

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

22 a. An education related to the needs or abilities of the juvenile
23 including vocational education or special education;

24 b. A suitable plan of supervision or placement; or

25 c. Some other plan that the court finds to be in the best interests of the
26 juvenile.

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

31"

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

33 **"§ 7B-2507. Delinquency history levels.**

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

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

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

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

42 (2a) For each prior conviction of a Class A1 misdemeanor, excluding conviction
43 for violation of the motor vehicle laws, 2 points.

44 (2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
45 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
46 death by vehicle (G.S. 20-141.4(a2)), 2 points.

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

49 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,
50 excluding conviction for violation of the motor vehicle laws, 1 point.

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

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

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

4 (1) Low – No more than 1 point.

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

6 (3) High – At least 4 points.

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

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

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

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

33 (1) Stipulation of the parties.

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

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

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

39 The State bears the burden of proving, by a preponderance of the evidence, that a prior
40 adjudication or conviction exists and that the juvenile before the court is the same person as the
41 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of
42 the court records or a copy of the records maintained by the Division of Criminal Information
43 or of the Department, bearing the same name as that by which the juvenile is charged, is prima
44 facie evidence that the juvenile named is the same person as the juvenile before the court, and
45 that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a
46 paper writing containing a reproduction of a record maintained electronically on a computer or
47 other data processing equipment, and a document produced by a facsimile machine. The
48 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full
49 record. Evidence presented by either party at trial may be utilized to prove prior
50 ~~adjudications.~~ adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish
51 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time

1 sufficient to allow the juvenile to determine if the record available to the prosecutor is
2 accurate."

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

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

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

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

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

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

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

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

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

28 (a3) Reserved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 "(7) Delinquent juvenile. –

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

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

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

39 "(7) Delinquent juvenile. –

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

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

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

49 "(7) Delinquent juvenile. –

50 a. Any juvenile who, while less than 16 years of age but at least 6 years
51 of age, commits a crime or infraction under State law or under an

1 ordinance of local government, including violation of the motor
2 vehicle laws; or

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

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

8 "(7) Delinquent juvenile. –

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

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

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

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

19 ...

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

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

24 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

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

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

39 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

45 It is not necessary for the district court exercising juvenile jurisdiction to make an
46 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
47 prosecute a parent or any person, including an employee of the Department of Juvenile Justice
48 and Delinquency Prevention under this section. An adjudication that a juvenile is delinquent,
49 undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or
50 any other person including an employee of the Department of Juvenile Justice and Delinquency

1 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected condition of
2 any juvenile."

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

4 "**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

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

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

19 "**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

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

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

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

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

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

- 48 (1) The costs to the State court system and State and local law enforcement.
- 49 (2) The relevant State laws that should be conformed or amended as a result of
50 revising the definition of delinquent juvenile to include 16- and 17-year-old
51 persons, including the motor vehicle and criminal laws, the laws regarding

1 expunction of criminal records, and other juvenile laws. The Task Force
2 shall make recommendations to the General Assembly regarding proposed
3 legislative amendments.

4 (3) Proposals to eliminate the racial disparity in complaints, commitments,
5 community program availability, utilization and success rates, and other key
6 decision and impact points in the juvenile justice process.

7 (4) Proposals regarding community programs that would provide rehabilitative
8 services to juveniles in a treatment-oriented environment and incorporate
9 best practices as recommended in subdivision (3) of this subsection.

10 (5) The total cost of expanding the jurisdiction of the Department of Juvenile
11 Justice and Delinquency Prevention to include persons who are 16 and 17
12 years of age who commit crimes or infractions under State law or under an
13 ordinance of local government.

14 (6) The implications of revising the definition of delinquent juvenile to include
15 16- and 17-year-olds, as it relates to other laws based on age, including laws
16 requiring school attendance and drivers license laws.

17 (7) Whether standards should be established for determining when a juvenile
18 should be transferred to superior court, including whether there should be
19 presumptions that certain offenses should or should not result in a transfer to
20 superior court.

21 (8) Whether a 16- or 17-year-old who is alleged to have committed a felony
22 motor vehicle offense should be considered a juvenile or an adult.

23 (9) Any other related issues that the Task Force considers necessary.

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

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

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

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