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SENATE BILL DRS15150-TV-2 (03/17)

Short Title: Juvenile Justice Reinvestment Act. (Public)

Sponsors: Senator Barringer (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE AGE OF JUVENILE JURISDICTION TO INCLUDE
3 SIXTEEN- AND SEVENTEEN-YEAR-OLDS, EXCEPT IN THE CASE OF CERTAIN
4 FELONIES; TO PROVIDE A VICTIM THE OPPORTUNITY TO REQUEST REVIEW
5 OF DECISION NOT TO FILE A PETITION; TO INCREASE THE INFORMATION
6 AVAILABLE ON JUVENILES TO LAW ENFORCEMENT AND FOR COURT
7 PROCEEDINGS; TO AUTHORIZE SCHOOL-JUSTICE PARTNERSHIPS STATEWIDE
8 TO REDUCE SCHOOL-BASED REFERRALS TO THE JUVENILE COURT SYSTEM;
9 TO REQUIRE REGULAR JUVENILE JUSTICE TRAINING FOR LAW
10 ENFORCEMENT OFFICERS; AND TO ESTABLISH THE JUVENILE JURISDICTION
11 ADVISORY COMMITTEE.

12 The General Assembly of North Carolina enacts:

13
14 **PART I. INCREASE THE AGE OF JUVENILE JURISDICTION, EXCEPT FOR**
15 **CERTAIN FELONIES**

16 SECTION 1.1. G.S. 7B-1501 reads as rewritten:

17 "§ 7B-1501. Definitions.

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

20 ...

21 (7) Delinquent juvenile. –

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

27 b. Any juvenile who, while less than 18 years of age but at least 16
28 years of age, commits a crime or infraction under State law or under
29 an ordinance of local government, excluding violation of the motor
30 vehicle laws, or who commits indirect contempt by a juvenile as
31 defined in G.S. 5A-31.

32 ...

33 (27a) Victim. – Any individual or entity against whom a crime or infraction is
34 alleged to have been committed by a juvenile based on reasonable grounds
35 that the alleged facts are true. For purposes of Article 17 of this Chapter, the



1 term may also include a parent, guardian, or custodian of a victim under the
2 age of 18 years.

3"

4 **SECTION 1.2.** G.S. 7B-1601 reads as rewritten:

5 **"§ 7B-1601. Jurisdiction over delinquent juveniles.**

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

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

13 (b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
14 offense committed while the juvenile was at least 16 years of age but less than 17 years of age,
15 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
16 age of 19 years. If the offense was committed while the juvenile was at least 17 years of age,
17 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
18 age of 20 years.

19 (c) When delinquency proceedings for a juvenile alleged to be delinquent for an offense
20 committed prior to the juvenile reaching the age of 16 years cannot be concluded before the
21 juvenile reaches the age of 18 years, the court retains jurisdiction for the sole purpose of
22 conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to
23 superior court for trial as an adult or dismissing the petition.

24 (c1) When delinquency proceedings for a juvenile alleged to be delinquent for an offense
25 committed while the juvenile was at least 16 years of age but less than 17 years of age cannot
26 be concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for
27 the sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either
28 transferring the case to superior court for trial as an adult or dismissing the petition. When
29 delinquency proceedings for a juvenile alleged to be delinquent for an offense committed while
30 the juvenile was at least 17 years of age cannot be concluded before the juvenile reaches the
31 age of 20 years, the court retains jurisdiction for the sole purpose of conducting proceedings
32 pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial
33 as an adult or dismissing the petition.

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

40 (e) The court has jurisdiction over delinquent juveniles in the custody of the Division
41 and over proceedings to determine whether a juvenile who is under the post-release supervision
42 of the juvenile court counselor has violated the terms of the juvenile's post-release supervision.

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

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

48 **SECTION 1.3.** G.S. 7B-1604(a) reads as rewritten:

49 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
50 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~ date the juvenile has

1 reached the age of 18 years is subject to prosecution as an adult. A juvenile who is emancipated
2 shall be prosecuted as an adult for the commission of a criminal offense."

3 **SECTION 1.4.** G.S. 7B-2200 reads as rewritten:

4 "**§ 7B-2200. Transfer of jurisdiction of a juvenile under the age of 16 to superior court.**

5 ~~After~~Except as otherwise provided in G.S. 7B-2200.5, after notice, hearing, and a finding of
6 probable cause the court may, upon motion of the prosecutor or the juvenile's attorney or upon
7 its own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was at least
8 13 years of age ~~or older~~ but less than 16 years of age at the time the juvenile allegedly
9 committed an offense that would be a felony if committed by an adult. If the alleged felony
10 constitutes a Class A felony and the court finds probable cause, the court shall transfer the case
11 to the superior court for trial as in the case of adults."

12 **SECTION 1.5.** Article 22 of Chapter 7B of the General Statutes is amended by
13 adding a new section to read:

14 "**§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior**
15 **court.**

16 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly
17 committed an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an
18 adult, the court shall transfer jurisdiction over the juvenile to superior court for trial as in the
19 case of adults after either of the following:

20 (1) Notice to the juvenile and a finding by the court that a bill of indictment has
21 been returned against the juvenile charging the commission of an offense
22 that constitutes a Class A, B1, B2, C, D, or E felony.

23 (2) Notice, hearing, and a finding of probable cause that the juvenile committed
24 an offense that constitutes a Class A, B1, B2, C, D, or E felony.

25 (b) If the juvenile was 16 years of age or older at the time the juvenile allegedly
26 committed an offense that would be a Class F, G, H, or I felony if committed by an adult, after
27 notice, hearing, and a finding of probable cause, the court may, upon motion of the prosecutor
28 or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to
29 superior court."

30 **SECTION 1.6.** G.S. 7B-2202 reads as rewritten:

31 "**§ 7B-2202. Probable cause hearing.**

32 (a) ~~The~~Except as otherwise provided in G.S. 7B-2200.5(a)(1), the court shall conduct a
33 hearing to determine probable cause in all felony cases in which a juvenile was 13 years of age
34 or older when the offense was allegedly committed. The hearing shall be conducted within 15
35 days of the date of the juvenile's first appearance. The court may continue the hearing for good
36 cause.

37 ...

38 (e) If probable cause is found and transfer to superior court is not required by ~~G.S.~~
39 ~~7B-2200~~, G.S. 7B-2200 or G.S. 7B-2200.5, upon motion of the prosecutor or the juvenile's
40 attorney or upon its own motion, the court shall either proceed to a transfer hearing or set a date
41 for that hearing. If the juvenile has not received notice of the intention to seek transfer at least
42 five days prior to the probable cause hearing, the court, at the request of the juvenile, shall
43 continue the transfer hearing.

44"

45 **SECTION 1.7.** G.S. 7B-2506 reads as rewritten:

46 "**§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

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

- 1 a. Require that a juvenile be supervised in the juvenile's own home by
- 2 the department of social services in the juvenile's county, a juvenile
- 3 court counselor, or other personnel as may be available to the court,
- 4 subject to conditions applicable to the parent, guardian, or custodian
- 5 or the juvenile as the judge may specify; or
- 6 b. Place the juvenile in the custody of a parent, guardian, custodian,
- 7 relative, private agency offering placement services, or some other
- 8 suitable person; or
- 9 c. If the director of the county department of social services has
- 10 received notice and an opportunity to be heard, place the juvenile in
- 11 the custody of the department of social services in the county of his
- 12 residence, or in the case of a juvenile who has legal residence outside
- 13 the State, in the physical custody of a department of social services in
- 14 the county where the juvenile is found so that agency may return the
- 15 juvenile to the responsible authorities in the juvenile's home state. An
- 16 order placing a juvenile in the custody or placement responsibility of
- 17 a county department of social services shall contain a finding that the
- 18 juvenile's continuation in the juvenile's own home would be contrary
- 19 to the juvenile's best interest. This placement shall be reviewed in
- 20 accordance with G.S. 7B-906.1. The director may, unless otherwise
- 21 ordered by the judge, arrange for, provide, or consent to, needed
- 22 routine or emergency medical or surgical care or treatment. In the
- 23 case where the parent is unknown, unavailable, or unable to act on
- 24 behalf of the juvenile or juveniles, the director may, unless otherwise
- 25 ordered by the judge, arrange for, provide, or consent to any
- 26 psychiatric, psychological, educational, or other remedial evaluations
- 27 or treatment for the juvenile placed by a judge or his designee in the
- 28 custody or physical custody of a county department of social services
- 29 under the authority of this or any other Chapter of the General
- 30 Statutes. Prior to exercising this authority, the director shall make
- 31 reasonable efforts to obtain consent from a parent, guardian, or
- 32 custodian of the affected juvenile. If the director cannot obtain
- 33 consent, the director shall promptly notify the parent, guardian, or
- 34 custodian that care or treatment has been provided and shall give the
- 35 parent, guardian, or custodian frequent status reports on the
- 36 circumstances of the juvenile. Upon request of a parent, guardian, or
- 37 custodian of the affected juvenile, the results or records of the
- 38 aforementioned evaluations, findings, or treatment shall be made
- 39 available to the parent, guardian, or custodian by the director unless
- 40 prohibited by G.S. 122C-53(d).
- 41 (2) Excuse ~~the~~ the juvenile under the age of 16 years from compliance with the
- 42 compulsory school attendance law when the court finds that suitable
- 43 alternative plans can be arranged by the family through other community
- 44 resources for one of the following:
- 45 a. An education related to the needs or abilities of the juvenile
- 46 including vocational education or special education;
- 47 b. A suitable plan of supervision or placement; or
- 48 c. Some other plan that the court finds to be in the best interests of the
- 49 juvenile.

...."

SECTION 1.8. G.S. 7B-2507 reads as rewritten:

1 **"§ 7B-2507. Delinquency history levels.**

2 (a) Generally. – The delinquency history level for a delinquent juvenile is determined
3 by calculating the sum of the points assigned to each of the juvenile's prior adjudications or
4 convictions and to the juvenile's probation status, if any, that the court finds to have been
5 proved in accordance with this section. For the purposes of this section, a prior adjudication is
6 an adjudication of an offense that occurs before the adjudication of the offense before the court.

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

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

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

11 (2a) For each prior conviction of a Class A through E felony offense, 4 points.

12 (2b) For each prior conviction of a Class F through I felony or Class A1
13 misdemeanor offense, excluding conviction of the motor vehicle laws, 2
14 points.

15 (2c) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
16 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
17 death by vehicle (G.S. 20-141.4(a2)), 2 points.

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

20 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,
21 excluding conviction for violation of the motor vehicle laws, 1 point.

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

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

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

26 (1) Low – No more than 1 point.

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

28 (3) High – At least 4 points.

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

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

36 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. –
37 Except as otherwise provided in this subsection, an adjudication or conviction occurring in a
38 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in
39 which the offense occurred classifies the offense as a felony, or is classified as a Class 3
40 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a
41 misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense
42 classified as a felony in the other jurisdiction is substantially similar to an offense that is a
43 misdemeanor in North Carolina, the adjudication or conviction is treated as that class of
44 misdemeanor for assigning delinquency history level points. If the State proves by the
45 preponderance of the evidence that an offense classified as either a misdemeanor or a felony in
46 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as
47 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for
48 assigning delinquency history level points. If the State proves by the preponderance of the
49 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially
50 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication

1 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level
2 points.

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

5 (1) Stipulation of the parties.

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

8 (3) A copy of records maintained by the Department of Public Safety or by the
9 Division.

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

11 The State bears the burden of proving, by a preponderance of the evidence, that a prior
12 adjudication or conviction exists and that the juvenile before the court is the same person as the
13 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of
14 the court records or a copy of the records maintained by the Department of Public Safety or of
15 the Division, bearing the same name as that by which the juvenile is charged, is prima facie
16 evidence that the juvenile named is the same person as the juvenile before the court, and that
17 the facts set out in the record are true. For purposes of this subsection, "a copy" includes a
18 paper writing containing a reproduction of a record maintained electronically on a computer or
19 other data processing equipment, and a document produced by a facsimile machine. The
20 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full
21 record. Evidence presented by either party at trial may be utilized to prove prior
22 ~~adjudications.~~ adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish
23 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time
24 sufficient to allow the juvenile to determine if the record available to the prosecutor is
25 accurate."

26 **SECTION 1.9.** G.S. 7B-2513(a) reads as rewritten:

27 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
28 juvenile who is at least 10 years of age to the Division for placement in a youth development
29 center. Commitment shall be for an indefinite term of at least six months. ~~In no event shall~~

30 (a1) For an offense the juvenile committed prior to reaching the age of 16 years, the term
31 shall not exceed:

32 (1) The twenty-first birthday of the juvenile if the juvenile has been committed
33 to the Division for an offense that would be first-degree murder pursuant to
34 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
35 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
36 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant
37 to G.S. 14-27.29 if committed by an adult;

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

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

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 the juvenile's nineteenth birthday.

47 (a3) For an offense the juvenile committed while the juvenile was at least 17 years of
48 age, the term shall not exceed the juvenile's twentieth birthday.

49 (a4) No juvenile shall be committed to a youth development center beyond the minimum
50 six-month commitment for a period of time in excess of the maximum term of imprisonment
51 for which an adult in prior record level VI for felonies or in prior conviction level III for

1 misdemeanors could be sentenced for the same offense, except when the Division pursuant to
2 G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an
3 additional period of time to continue care or treatment under the plan of care or treatment
4 developed under subsection (f) of this section. At the time of commitment to a youth
5 development center, the court shall determine the maximum period of time the juvenile may
6 remain committed before a determination must be made by the Division pursuant to
7 G.S. 7B-2515 and shall notify the juvenile of that determination."

8 **SECTION 1.10.** G.S. 7B-2515(a) reads as rewritten:

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

20 **SECTION 1.11.** G.S. 7B-2603(b) reads as rewritten:

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

30 **SECTION 1.12.** G.S. 7B-3101(a)(2) reads as rewritten:

31 "(2) The court transfers jurisdiction over a juvenile to superior court under
32 G.S. 7B-2200.5 or G.S. 7B-2200;"

33 **SECTION 1.13.** G.S. 5A-31(a) reads as rewritten:

34 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
35 years of age, (ii) is not yet ~~16~~18 years of age, and (iii) has not been convicted of any crime in
36 superior court, is contempt by a juvenile:

37 "...."

38 **SECTION 1.14.** G.S. 5A-34(b) reads as rewritten:

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

41 (1) ~~Is 16 years of age or older;~~

42 (2) Is married or otherwise emancipated; or

43 (3) Before the act or omission, was convicted in superior court of any criminal
44 offense."

45 **SECTION 1.15.** G.S. 14-208.6B reads as rewritten:

46 **"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in**
47 **superior court.**

48 A juvenile transferred to superior court pursuant to G.S. 7B-2200 or G.S. 7B-2200.5 who is
49 convicted of a sexually violent offense or an offense against a minor as defined in
50 G.S. 14-208.6 shall register in person in accordance with this Article just as an adult convicted
51 of the same offense must register."

1 **SECTION 1.16.** G.S. 14-316.1 reads as rewritten:

2 "**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

3 Any person who is at least ~~16~~18 years old who knowingly or willfully causes, encourages,
4 or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to
5 commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or
6 neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1
7 misdemeanor.

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

16 **SECTION 1.17.** G.S. 115C-404(a) reads as rewritten:

17 "(a) Written notifications received in accordance with G.S. 7B-3101 and information
18 gained from examination of juvenile records in accordance with G.S. 7B-3100 are confidential
19 records, are not public records as defined under G.S. 132-1, and shall not be made part of the
20 student's official record under G.S. 115C-402. Immediately upon receipt, the principal shall
21 maintain these documents in a safe, locked record storage that is separate from the student's
22 other school records. The principal shall shred, burn, or otherwise destroy documents received
23 in accordance with G.S. 7B-3100 to protect the confidentiality of the information when the
24 principal receives notification that the court dismissed the petition under G.S. 7B-2411, the
25 court transferred jurisdiction over the student to superior court under G.S. 7B-2200.5 or
26 G.S. 7B-2200, or the court granted the student's petition for expunction of the records. The
27 principal shall shred, burn, or otherwise destroy all information gained from examination of
28 juvenile records in accordance with G.S. 7B-3100 when the principal finds that the school no
29 longer needs the information to protect the safety of or to improve the educational opportunities
30 for the student or others. In no case shall the principal make a copy of these documents."

31 **SECTION 1.18.** G.S. 143B-805(6) reads as rewritten:

32 "(6) Delinquent juvenile. –

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

37 b. Any juvenile who, while less than 18 years of age but at least 16
38 years of age, commits a misdemeanor or infraction under State law or
39 under an ordinance of local government, excluding violation of the
40 motor vehicle laws."

41 **SECTION 1.19.** G.S. 143B-806(b) is amended by adding a new subdivision to
42 read:

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

47 **PART II. VICTIM REQUEST/REVIEW OF DECISION NOT TO FILE A PETITION**

48 **SECTION 2.1.** G.S. 7B-1703(c) reads as rewritten:

49 "(c) If the juvenile court counselor determines that a petition should not be filed, the
50 juvenile court counselor shall notify the complainant and the victim, if the complainant is not
51 the victim, immediately in writing with specific reasons for the decision.

1 not legal sufficiency was found, and whether the matter was closed or diverted and retained,
2 and shall include notice of the complainant's and victim's right to have the decision reviewed by
3 the prosecutor. The juvenile court counselor shall sign the complaint after indicating on it:

- 4 (1) The date of the determination;
- 5 (2) The words "Not Approved for Filing"; and
- 6 (3) Whether the matter is "Closed" or "Diverted and Retained".

7 Except as provided in G.S. 7B-1706, any complaint not approved for filing as a juvenile
8 petition shall be destroyed by the juvenile court counselor after holding the complaint for a
9 temporary period to allow review as provided in G.S. 7B-1705."

10 **SECTION 2.2.** G.S. 7B-1704 reads as rewritten:

11 **"§ 7B-1704. Request for review by prosecutor.**

12 The complainant ~~has~~ and the victim have five calendar days, from receipt of the juvenile
13 court counselor's decision not to approve the filing of a petition, to request review by the
14 prosecutor. The juvenile court counselor shall notify the prosecutor immediately of such
15 request and shall transmit to the prosecutor a copy of the complaint. The prosecutor shall notify
16 the ~~complainant~~ complainant, the victim, and the juvenile court counselor of the time and place
17 for the review."

18 **SECTION 2.3.** G.S. 7B-1705 reads as rewritten:

19 **"§ 7B-1705. Review of determination that petition should not be filed.**

20 No later than 20 days after the complainant ~~is~~ and the victim are notified, the prosecutor
21 shall review the juvenile court counselor's determination that a juvenile petition should not be
22 filed. Review shall include conferences with the ~~complainant~~ complainant, the victim, and the
23 juvenile court counselor. At the conclusion of the review, the prosecutor shall: (i) affirm the
24 decision of the juvenile court counselor or direct the filing of a petition and (ii) notify the
25 complainant and the victim of the prosecutor's action."

26 **SECTION 2.4.** G.S. 143B-806(b) is amended by adding a new subdivision to read:

27 "(14a) Develop and administer a system to provide information to victims and
28 complainants regarding the status of pending complaints and the right of a
29 complainant and victim to request review under G.S. 7B-1704 of a decision
30 to not file a petition."

31 32 **PART III. INCREASE INFORMATION AVAILABLE ON JUVENILES TO LAW** 33 **ENFORCEMENT AND FOR COURT PROCEEDINGS**

34 **SECTION 3.1.** G.S. 7B-3001 reads as rewritten:

35 **"§ 7B-3001. Other records relating to juveniles.**

36 (a) The chief court counselor shall maintain a record of all cases of juveniles under
37 supervision of juvenile court counselors, to be known as the juvenile court counselor's record.
38 The juvenile court counselor's record shall include the juvenile's delinquency record;
39 consultations with law enforcement that did not result in the filing of a complaint; family
40 background information; reports of social, medical, psychiatric, or psychological information
41 concerning a juvenile or the juvenile's family; probation reports; interviews with the juvenile's
42 family; or other information the court finds should be protected from public inspection in the
43 best interests of the juvenile.

44 (a1) To assist at the time of investigation of an incident that could result in the filing of a
45 complaint, upon request, a juvenile court counselor shall share with a law enforcement officer
46 sworn in this State information from the juvenile court counselor's record related to a juvenile's
47 delinquency record or prior consultations with law enforcement. A law enforcement officer
48 may not obtain copies of any part of the record, and all information shared pursuant to this
49 subsection shall be withheld from public inspection as provided in subsection (b) of this
50 section.

1 (b) Unless jurisdiction of the juvenile has been transferred to superior court, all law
2 enforcement records and files concerning a juvenile shall be kept separate from the records and
3 files of adults and shall be withheld from public inspection. The following persons may
4 examine and obtain copies of law enforcement records and files concerning a juvenile without
5 an order of the court:

- 6 (1) The juvenile or the juvenile's attorney;
- 7 (2) The juvenile's parent, guardian, custodian, or the authorized representative of
8 the juvenile's parent, guardian, or custodian;
- 9 (3) The prosecutor;
- 10 (4) Juvenile court counselors; and
- 11 (5) Law enforcement officers sworn in this State.

12 Otherwise, the records and files may be examined or copied only by order of the court.

13 (c) All records and files maintained by the Division pursuant to this Chapter shall be
14 withheld from public inspection. The following persons may examine and obtain copies of the
15 Division records and files concerning a juvenile without an order of the court:

- 16 (1) The juvenile and the juvenile's attorney;
- 17 (2) The juvenile's parent, guardian, custodian, or the authorized representative of
18 the juvenile's parent, guardian, or custodian;
- 19 (3) Professionals in the agency who are directly involved in the juvenile's case;
20 and
- 21 (4) Juvenile court counselors.

22 Otherwise, the records and files may be examined or copied only by order of the court. The
23 court may inspect and order the release of records maintained by the Division.

24 (d) When the Section of Community Corrections of the Division of Adult Correction of
25 the Department of Public Safety is authorized to access a juvenile record pursuant to
26 G.S. 7B-3000(e1), the Division may, at the request of the Section of Community Corrections of
27 the Division of Adult Correction, notify the Section of Community Corrections of the Division
28 of Adult Correction that there is a juvenile record of an adjudication of delinquency for an
29 offense that would be a felony if committed by an adult for a person subject to probation
30 supervision under Article 82 of Chapter 15A of the General Statutes and may notify the Section
31 of Community Corrections of the Division of Adult Correction of the county or counties where
32 the adjudication of delinquency occurred."

33 **SECTION 3.2.(a)** By July 1, 2018, the Administrative Office of the Courts shall
34 expand access to its automated electronic information management system for juvenile courts,
35 JWisE, to include prosecutors and attorneys representing juveniles in juvenile court
36 proceedings. Access shall be limited to examining electronic records related to juvenile
37 delinquency information. Other information contained in JWisE, such as any records pertaining
38 to abuse, neglect, and dependency or termination of parental rights, shall not be made available
39 to a prosecutor or juvenile's attorney through JWisE.

40 **SECTION 3.2.(b)** Due to the increased mobility of North Carolina citizens across
41 counties, the Administrative Office of the Courts shall develop statewide inquiry access for
42 JWisE users that corresponds to access to juvenile court records as authorized under Chapter 7B
43 of the General Statutes by July 1, 2018.

44 45 **PART IV. SCHOOL-JUSTICE PARTNERSHIPS TO REDUCE SCHOOL-BASED** 46 **REFERRALS TO JUVENILE COURTS**

47 **SECTION 4.** G.S. 7A-343 reads as rewritten:

48 "**§ 7A-343. Duties of Director.**

49 The Director is the Administrative Officer of the Courts, and the Director's duties include
50 all of the following:

51 ...

1 (9g) Prescribe policies and procedures for chief district court judges to establish
 2 school-justice partnerships with local law enforcement agencies, local
 3 boards of education, and local school administrative units with the goal of
 4 reducing in-school arrests, out-of-school suspensions, and expulsions.

5 "

6
 7 **PART V. JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

8 **SECTION 5.(a)** G.S. 17C-6(a) reads as rewritten:

9 **"§ 17C-6. Powers of Commission.**

10 (a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the
 11 Commission shall have the following powers, which shall be enforceable through its rules and
 12 regulations, certification procedures, or the provisions of G.S. 17C-10:

13 ...

14 (2) Establish minimum educational and training standards that must be met in
 15 order to qualify for entry level employment and retention as a criminal
 16 justice officer in temporary or probationary status or in a permanent position.
 17 The standards for entry level employment shall include ~~education~~all of the
 18 following:

19 a. Education and training in response to, and investigation of, domestic
 20 violence cases, as well as training in investigation for evidence-based
 21 prosecutions.

22 b. Education and training on juvenile justice issues, including (i) the
 23 handling and processing of juvenile matters for referrals, diversion,
 24 arrests, and detention; (ii) best practices for handling incidents
 25 involving juveniles; (iii) adolescent development and psychology;
 26 and (iv) promoting relationship building with youth as a key to
 27 delinquency prevention.

28 ...

29 (14) Establish minimum standards for in-service training for criminal justice
 30 officers. In-service training standards shall include ~~training~~all of the
 31 following:

32 a. Training in response to, and investigation of, domestic violence
 33 cases, as well as training investigation for evidence-based
 34 prosecutions.

35 b. Training on juvenile justice issues, including (i) the handling and
 36 processing of juvenile matters for referrals, diversion, arrests, and
 37 detention; (ii) best practices for handling incidents involving
 38 juveniles; (iii) adolescent development and psychology; and (iv)
 39 promoting relationship building with youth as a key to delinquency
 40 prevention.

41 (15) Establish minimum standards and levels of training for certification of
 42 instructors for the domestic violence training and juvenile justice training
 43 required by subdivisions (2) and (14) of this subsection.

44 "

45 **SECTION 5.(b)** G.S. 17E-4(a) reads as rewritten:

46 **"§ 17E-4. Powers and duties of the Commission.**

47 (a) The Commission shall have the following powers, duties, and responsibilities,
 48 which are enforceable through its rules and regulations, certification procedures, or the
 49 provisions of G.S. 17E-8 and G.S. 17E-9:

50 ...

- 1 (2) Establish minimum educational and training standards that may be met in
 2 order to qualify for entry level employment as an officer in temporary or
 3 probationary status or in a permanent position. The standards for entry level
 4 employment of officers shall include ~~training~~all of the following:
 5 a. Training in response to, and investigation of, domestic violence
 6 cases, as well as training in investigation for evidence-based
 7 prosecutions. For purposes of the domestic violence training
 8 requirement, the term "officers" shall include justice officers as
 9 defined in G.S. 17E-2(3)a., except that the term shall not include
 10 "special deputy sheriffs" as defined in ~~G.S.~~
 11 ~~17E-2(3)a.;~~G.S. 17E-2(3)a.
 12 b. Training on juvenile justice issues, including (i) the handling and
 13 processing of juvenile matters for referrals, diversion, arrests, and
 14 detention; (ii) best practices for handling incidents involving
 15 juveniles; (iii) adolescent development and psychology; and (iv)
 16 promoting relationship building with youth as a key to delinquency
 17 prevention.
 18 ...
 19 (11) Establish minimum standards for in-service training for justice officers.
 20 In-service training standards shall include ~~training~~all of the following:
 21 a. Training in response to, and investigation of, domestic violence
 22 cases, as well as training in investigation for evidence-based
 23 prosecutions. For purposes of the domestic violence training
 24 requirement, the term "justice officer" shall include those defined in
 25 G.S. 17E-2(3)a., except that the term shall not include "special
 26 deputy sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.
 27 b. Training on juvenile justice issues, including (i) the handling and
 28 processing of juvenile matters for referrals, diversion, arrests, and
 29 detention; (ii) best practices for handling incidents involving
 30 juveniles; (iii) adolescent development and psychology; and (iv)
 31 promoting relationship building with youth as a key to delinquency
 32 prevention.
 33 (12) Establish minimum standards and levels of training for certification of
 34 instructors for the domestic violence training and juvenile justice training
 35 required by subdivisions (2) and (11) of this subsection.

36 The Commission may certify, and no additional certification shall be required from it,
 37 programs, courses and teachers certified by the North Carolina Criminal Justice Education and
 38 Training Standards Commission. Where the Commission determines that a program, course,
 39 instructor or teacher is required for an area which is unique to the office of sheriff, the
 40 Commission may certify such program, course, instructor, or teacher under such standards and
 41 procedures as it may establish."

42 **SECTION 5.(c)** In developing and implementing the education and training
 43 required by subsections (a) and (b) of this section, the North Carolina Criminal Justice
 44 Education and Training Standards Commission and the North Carolina Sheriffs' Education and
 45 Training Standards Commission shall work with the Division of Adult Correction and Juvenile
 46 Justice of the Department of Public Safety.
 47

48 **PART VI. ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

49 **SECTION 6.(a)** Advisory Committee Established. – There is established within
 50 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the
 51 Juvenile Jurisdiction Advisory Committee. The Division of Adult Correction and Juvenile

1 Justice shall provide professional and clerical staff and other services and supplies, including
2 meeting space, as needed for the Advisory Committee to carry out its duties in an effective
3 manner.

4 **SECTION 6.(b)** Membership. – The Advisory Committee shall consist of 21
5 members. The following members or their designees shall serve as ex officio members:

- 6 (1) The Deputy Commissioner for Juvenile Justice of the Division of Adult
7 Correction and Juvenile Justice of the Department of Public Safety.
- 8 (2) The Director of the Administrative Office of the Courts.
- 9 (3) The Director of the Division of Mental Health, Developmental Disabilities,
10 and Substance Abuse Services of the Department of Health and Human
11 Services.
- 12 (4) The Superintendent of Public Instruction.
- 13 (5) The Juvenile Defender in the Office of Indigent Defense.
- 14 (6) The Executive Director of the North Carolina Sentencing and Policy
15 Advisory Commission.
- 16 (7) One representative from the Juvenile Justice Planning Committee of the
17 Governor's Crime Commission.

18 The remaining members shall be appointed as follows:

- 19 (8) Two chief court counselors appointed by the Governor, one to be from a
20 rural county and one from an urban county.
- 21 (9) One chief district court judge and one superior court judge appointed by the
22 Chief Justice of the North Carolina Supreme Court.
- 23 (10) One police chief appointed by the President Pro Tempore of the Senate.
- 24 (11) One sheriff appointed by the Speaker of the House of Representatives.
- 25 (12) One clerk of superior court appointed by the President Pro Tempore of the
26 Senate.
- 27 (13) One district attorney appointed by the Speaker of the House of
28 Representatives.
- 29 (14) One assistant district attorney who handles juvenile matters appointed by the
30 Conference of District Attorneys.
- 31 (15) One assistant public defender who handles juvenile matters appointed by the
32 North Carolina Association of Public Defenders.
- 33 (16) Two representatives from the juvenile advocacy community, one appointed
34 by the President Pro Tempore of the Senate and one appointed by the
35 Speaker of the House of Representatives.
- 36 (17) Two representatives from the victim advocacy community, one appointed by
37 the President Pro Tempore of the Senate and one appointed by the Speaker
38 of the House of Representatives.

39 Appointments to the Advisory Committee shall be made no later than October 1,
40 2017. A vacancy in the Advisory Committee or a vacancy as chair of the Advisory Committee
41 resulting from the resignation of a member or otherwise shall be filled in the same manner in
42 which the original appointment was made.

43 **SECTION 6.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and
44 the Speaker of the House of Representatives shall each designate one member to serve as
45 cochair of the Advisory Committee.

46 The cochairs shall call the initial meeting of the Advisory Committee on or before
47 November 1, 2017. The Advisory Committee shall subsequently meet upon such notice and in
48 such manner as its members determine. A majority of the members of the Advisory Committee
49 shall constitute a quorum.

1 **SECTION 6.(d)** Cooperation by Government Agencies. – The Advisory
2 Committee may call upon any department, agency, institution, or officer of the State or any
3 political subdivision thereof for facilities, data, or other assistance.

4 **SECTION 6.(e)** Duties of Advisory Committee. – The Advisory Committee shall
5 develop a specific plan for the implementation of any changes in the juvenile justice system
6 that would be required in order to extend jurisdiction in delinquency matters and proceedings to
7 include 16- and 17-year-old persons within the juvenile justice system. The plan shall include
8 cost estimates for each portion of the plan, including capital costs, operating costs, and staffing
9 costs. As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons
10 16 and 17 years of age who commit crimes or infractions becomes effective pursuant to this
11 act, the Advisory Committee shall monitor and review the implementation of the expansion and
12 shall make additional recommendations to the General Assembly as necessary.

13 **SECTION 6.(f)** Consultation. – The Advisory Committee shall consult with
14 appropriate State departments, agencies, and board representatives on issues related to juvenile
15 justice administration.

16 **SECTION 6.(g)** Report. – The Advisory Committee shall submit an interim report
17 containing the specific plan and the cost estimates for capital, operating, and staffing costs for
18 implementation of this act, and including legislative, administrative, and funding
19 recommendations necessary to implement the increase in juvenile jurisdiction to include
20 16- and 17-year-old persons by April 1, 2018, to the General Assembly with copies to the Joint
21 Legislative Oversight Committee on Justice and Public Safety and to the Appropriations
22 Committees on Justice and Public Safety of both houses. The Advisory Committee shall submit
23 additional interim reports with updates on the planning steps completed towards
24 implementation, including any legislative, administrative, and funding recommendations,
25 annually by January 15 of each year. The Advisory Committee shall submit a final report on
26 the implementation of this act, and its findings and recommendations, including legislative,
27 administrative, and funding recommendations, by January 15, 2023, to the General Assembly
28 and the Governor. The Advisory Committee shall terminate on February 1, 2023, or upon the
29 filing of its final report, whichever occurs earlier.

30 **SECTION 6.(h)** Funding. – The Advisory Committee may apply for, receive, and
31 accept grants of non-State funds or other contributions as appropriate to assist in the
32 performance of its duties.

33 **PART VII. EFFECTIVE DATE**

34 **SECTION 7.** Part I of this act becomes effective December 1, 2019, and applies to
35 offenses committed on or after that date. Part II and Section 3.1 of this act become effective
36 July 1, 2017, and Part II applies to all complaints filed on or after that date. Except as otherwise
37 provided in this act, the remainder of this act is effective when it becomes law. Prosecutions or
38 delinquency proceedings initiated for offenses committed before any particular section of this
39 act becomes effective are not abated or affected by this act, and the statutes that are in effect on
40 the dates the offenses are committed remain applicable to those prosecutions.
41