

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH30114-MK-29 (01/04)

Short Title: Juvenile Justice Reinvestment Act. (Public)

Sponsors: Representatives McGrady, Lewis, Duane Hall, and S. Martin (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

PART I. INCREASE THE AGE OF JUVENILE JURISDICTION, EXCEPT FOR CERTAIN FELONIES

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

"§ 7B-1501. Definitions.

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

...

(7) Delinquent juvenile. –

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.

b. Any juvenile who, while less than 18 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.

...

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



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

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 is
7 alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at the
8 time of the alleged offense governs.

9 (b) When the court obtains jurisdiction over a juvenile alleged to be ~~delinquent,delinquent~~
10 for an offense committed prior to the juvenile reaching the age of 16 years, jurisdiction shall
11 continue until terminated by order of the court or until the juvenile reaches the age of 18 years,
12 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 be
26 concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for the sole
27 purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring
28 the case to superior court for trial as an adult or dismissing the petition. When delinquency
29 proceedings for a juvenile alleged to be delinquent for an offense committed while the juvenile
30 was at least 17 years of age cannot be concluded before the juvenile reaches the age of 20 years,
31 the court retains jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22
32 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing
33 the petition.

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

40 (e) The court has jurisdiction over delinquent juveniles in the custody of the Division and
41 over proceedings to determine whether a juvenile who is under the post-release supervision of the
42 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 is
46 under the jurisdiction of the court pursuant to this section if the parent, guardian, or custodian has
47 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 its
7 own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was at least 13
8 years of age or older but less than 16 years of age at the time the juvenile allegedly committed an
9 offense that would be a felony if committed by an adult. If the alleged felony constitutes a Class A
10 felony and the court finds probable cause, the court shall transfer the case to the superior court for
11 trial as in the case of adults."

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

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

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

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

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

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

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

29 "**§ 7B-2202. Probable cause hearing.**

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

34 ...

35 (e) If probable cause is found and transfer to superior court is not required by ~~G.S.~~
36 ~~7B-2200~~, G.S. 7B-2200 or G.S. 7B-2200.5, upon motion of the prosecutor or the juvenile's
37 attorney or upon its own motion, the court shall either proceed to a transfer hearing or set a date
38 for that hearing. If the juvenile has not received notice of the intention to seek transfer at least five
39 days prior to the probable cause hearing, the court, at the request of the juvenile, shall continue the
40 transfer hearing.

41"

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

43 "**§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

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

48 a. Require that a juvenile be supervised in the juvenile's own home by the
49 department of social services in the juvenile's county, a juvenile court
50 counselor, or other personnel as may be available to the court, subject to

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

...."

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

"§ 7B-2507. Delinquency history levels.

- 49 (a) Generally. – The delinquency history level for a delinquent juvenile is determined by
- 50 calculating the sum of the points assigned to each of the juvenile's prior adjudications or
- 51 convictions and to the juvenile's probation status, if any, that the court finds to have been proved

1 in accordance with this section. For the purposes of this section, a prior adjudication is an
2 adjudication of an offense that occurs before the adjudication of the offense before the court.

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

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

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

7 (2a) For each prior conviction of a Class A through E felony offense, 4 points.

8 (2b) For each prior conviction of a Class F through I felony or Class A1
9 misdemeanor offense, excluding conviction of the motor vehicle laws, 2 points.

10 (2c) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
11 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
12 death by vehicle (G.S. 20-141.4(a2)), 2 points.

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

14 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense, excluding
15 conviction for violation of the motor vehicle laws, 1 point.

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

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

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

20 (1) Low – No more than 1 point.

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

22 (3) High – At least 4 points.

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

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

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

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

48 (1) Stipulation of the parties.

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

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

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

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

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

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

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

24 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
25 the Division for an offense that would be first-degree murder pursuant to
26 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
27 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
28 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to
29 G.S. 14-27.29 if committed by an adult;

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

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

37 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
38 but less than 17 years of age, the term shall not exceed the juvenile's nineteenth birthday.

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

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

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

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

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

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

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

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

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

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

28 "

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

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

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

33 (2) Is married or otherwise emancipated; or

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

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

37 "**§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in**
38 **superior court.**

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

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

44 "**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

49 It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication
50 that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent
51 or any person, including an employee of the Division of Juvenile Justice of the Department of

1 Public Safety under this section. An adjudication that a juvenile is delinquent, undisciplined,
2 abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person
3 including an employee of the Division of Juvenile Justice of the Department of Public Safety, who
4 contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile."

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

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

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

21 "(6) Delinquent juvenile. –

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

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

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

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

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

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

36 "(c) If the juvenile court counselor determines that a petition should not be filed, the
37 juvenile court counselor shall notify the complainant and the victim, if the complainant is not the
38 victim, immediately in writing with specific reasons for the decision, whether or not legal
39 sufficiency was found, and whether the matter was closed or diverted and retained, and shall
40 include notice of the complainant's and victim's right to have the decision reviewed by the
41 prosecutor. The juvenile court counselor shall sign the complaint after indicating on it:

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

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

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

49 **"§ 7B-1704. Request for review by prosecutor.**

1 The complainant ~~has~~ and the victim have five calendar days, from receipt of the juvenile court
2 counselor's decision not to approve the filing of a petition, to request review by the prosecutor.
3 The juvenile court counselor shall notify the prosecutor immediately of such request and shall
4 transmit to the prosecutor a copy of the complaint. The prosecutor shall notify the
5 ~~complainant~~ complainant, the victim, and the juvenile court counselor of the time and place for the
6 review."

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

8 "**§ 7B-1705. Review of determination that petition should not be filed.**

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

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

16 "(14a) Develop and administer a system to provide information to victims and
17 complainants regarding the status of pending complaints and the right of a
18 complainant and victim to request review under G.S. 7B-1704 of a decision to
19 not file a petition."
20

21 **PART III. INCREASE INFORMATION AVAILABLE ON JUVENILES TO LAW** 22 **ENFORCEMENT AND FOR COURT PROCEEDINGS**

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

24 "**§ 7B-3001. Other records relating to juveniles.**

25 (a) The chief court counselor shall maintain a record of all cases of juveniles under
26 supervision of juvenile court counselors, to be known as the juvenile court counselor's record. The
27 juvenile court counselor's record shall include the juvenile's delinquency record; consultations
28 with law enforcement that did not result in the filing of a complaint; family background
29 information; reports of social, medical, psychiatric, or psychological information concerning a
30 juvenile or the juvenile's family; probation reports; interviews with the juvenile's family; or other
31 information the court finds should be protected from public inspection in the best interests of the
32 juvenile.

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

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

- 44 (1) The juvenile or the juvenile's attorney;
- 45 (2) The juvenile's parent, guardian, custodian, or the authorized representative of
46 the juvenile's parent, guardian, or custodian;
- 47 (3) The prosecutor;
- 48 (4) Juvenile court counselors; and
- 49 (5) Law enforcement officers sworn in this State.

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

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

- 4 (1) The juvenile and the juvenile's attorney;
- 5 (2) The juvenile's parent, guardian, custodian, or the authorized representative of
6 the juvenile's parent, guardian, or custodian;
- 7 (3) Professionals in the agency who are directly involved in the juvenile's case; and
- 8 (4) Juvenile court counselors.

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

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

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

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

31 32 **PART IV. SCHOOL-JUSTICE PARTNERSHIPS TO REDUCE SCHOOL-BASED** 33 **REFERRALS TO JUVENILE COURTS**

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

35 **"§ 7A-343. Duties of Director.**

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

38 ...

- 39 (9g) Prescribe policies and procedures for chief district court judges to establish
40 school-justice partnerships with local law enforcement agencies, local boards of
41 education, and local school administrative units with the goal of reducing
42 in-school arrests, out-of-school suspensions, and expulsions.

43"

44 45 **PART V. JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

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

47 **"§ 17C-6. Powers of Commission.**

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

51 ...

- 1 (2) Establish minimum educational and training standards that must be met in order
 2 to qualify for entry level employment and retention as a criminal justice officer
 3 in temporary or probationary status or in a permanent position. The standards
 4 for entry level employment shall include all of the following:
 5 a. ~~Education~~education and training in response to, and investigation of,
 6 domestic violence cases, as well as training in investigation for
 7 evidence-based prosecutions.
 8 b. Education and training on juvenile justice issues, including (i) the
 9 handling and processing of juvenile matters for referrals, diversion,
 10 arrests, and detention; (ii) best practices for handling incidents involving
 11 juveniles; (iii) adolescent development and psychology; and (iv)
 12 promoting relationship building with youth as a key to delinquency
 13 prevention.
 14 ...
 15 (14) Establish minimum standards for in-service training for criminal justice
 16 officers. In-service training standards shall include all of the following:
 17 a. ~~Training~~training in response to, and investigation of, domestic violence
 18 cases, as well as training investigation for evidence-based prosecutions.
 19 b. Training on juvenile justice issues, including (i) the handling and
 20 processing of juvenile matters for referrals, diversion, arrests, and
 21 detention; (ii) best practices for handling incidents involving juveniles;
 22 (iii) adolescent development and psychology; and (iv) promoting
 23 relationship building with youth as a key to delinquency prevention.
 24 (15) Establish minimum standards and levels of training for certification of
 25 instructors for the domestic violence training and juvenile justice training
 26 required by subdivisions (2) and (14) of this subsection.

27"

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

29 **"§ 17E-4. Powers and duties of the Commission.**

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

- 33 ...
 34 (2) Establish minimum educational and training standards that may be met in order
 35 to qualify for entry level employment as an officer in temporary or probationary
 36 status or in a permanent position. The standards for entry level employment of
 37 officers shall include all of the following:
 38 a. ~~Training~~training in response to, and investigation of, domestic violence
 39 cases, as well as training in investigation for evidence-based
 40 prosecutions. For purposes of the domestic violence training
 41 requirement, the term "officers" shall include justice officers as defined
 42 in G.S. 17E-2(3)a., except that the term shall not include "special deputy
 43 sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.
 44 b. Training on juvenile justice issues, including (i) the handling and
 45 processing of juvenile matters for referrals, diversion, arrests, and
 46 detention; (ii) best practices for handling incidents involving juveniles;
 47 (iii) adolescent development and psychology; and (iv) promoting
 48 relationship building with youth as a key to delinquency prevention.
 49 ...
 50 (11) Establish minimum standards for in-service training for justice officers.
 51 In-service training standards shall include all of the following:

1 a. ~~Training~~training in response to, and investigation of, domestic violence
2 cases, as well as training in investigation for evidence-based
3 prosecutions. For purposes of the domestic violence training
4 requirement, the term "justice officer" shall include those defined in
5 G.S. 17E-2(3)a., except that the term shall not include "special deputy
6 sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.

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

12 (12) Establish minimum standards and levels of training for certification of
13 instructors for the domestic violence training and juvenile justice training
14 required by subdivisions (2) and (11) of this subsection.

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

21 **SECTION 5.(c)** In developing and implementing the education and training required
22 by subsections (a) and (b) of this section, the North Carolina Criminal Justice Education and
23 Training Standards Commission and the North Carolina Sheriffs' Education and Training
24 Standards Commission shall work with the Division of Adult Correction and Juvenile Justice of
25 the Department of Public Safety.

26 27 **PART VI. ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

28 **SECTION 6.(a)** Advisory Committee Established. – There is established within the
29 Division of Adult Correction and Juvenile Justice of the Department of Public Safety the Juvenile
30 Jurisdiction Advisory Committee. The Division of Adult Correction and Juvenile Justice shall
31 provide professional and clerical staff and other services and supplies, including meeting space, as
32 needed for the Advisory Committee to carry out its duties in an effective manner.

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

- 35 (1) The Deputy Commissioner for Juvenile Justice of the Division of Adult
36 Correction and Juvenile Justice of the Department of Public Safety.
- 37 (2) The Director of the Administrative Office of the Courts.
- 38 (3) The Director of the Division of Mental Health, Developmental Disabilities, and
39 Substance Abuse Services of the Department of Health and Human Services.
- 40 (4) The Superintendent of Public Instruction
- 41 (5) The Juvenile Defender in the Office of Indigent Defense
- 42 (6) The Executive Director of the North Carolina Sentencing and Policy Advisory
43 Commission.
- 44 (7) One representative from the Juvenile Justice Planning Committee of the
45 Governor's Crime Commission.

46 The remaining members shall be appointed as follows:

- 47 (8) Two chief court counselors appointed by the Governor, one to be from a rural
48 county and one from an urban county.
- 49 (9) One chief district court judge and one superior court judge appointed by the
50 Chief Justice of the North Carolina Supreme Court.
- 51 (10) One police chief appointed by the President Pro Tempore of the Senate.

- 1 (11) One sheriff appointed by the Speaker of the House of Representatives.
2 (12) One clerk of superior court appointed by the President Pro Tempore of the
3 Senate.
4 (13) One district attorney appointed by the Speaker of the House of Representatives.
5 (14) One assistant district attorney who handles juvenile matters appointed by the
6 Conference of District Attorneys.
7 (15) One assistant public defender who handles juvenile matters appointed by the
8 North Carolina Association of Public Defenders.
9 (16) Two representatives from the juvenile advocacy community, one appointed by
10 the President Pro Tempore of the Senate and one appointed by the Speaker of
11 the House of Representatives.
12 (17) Two representatives from the victim advocacy community, one appointed by
13 the President Pro Tempore of the Senate and one appointed by the Speaker of
14 the House of Representatives.

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

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

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

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

29 **SECTION 6.(e)** Duties of Advisory Committee. – The Advisory Committee shall
30 develop a specific plan for the implementation of any changes in the juvenile justice system that
31 would be required in order to extend jurisdiction in delinquency matters and proceedings to
32 include 16- and 17-year-old persons within the juvenile justice system. The plan shall include cost
33 estimates for each portion of the plan, including capital costs, operating costs, and staffing costs.
34 As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons 16 and
35 17 years of age who commit crimes or infractions becomes effective pursuant to this act, the
36 Advisory Committee shall monitor and review the implementation of the expansion and shall
37 make additional recommendations to the General Assembly as necessary.

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

41 **SECTION 6.(g)** Report. – The Advisory Committee shall submit an interim report
42 containing the specific plan and the cost estimates for capital, operating, and staffing costs for
43 implementation of this act, and including legislative, administrative, and funding
44 recommendations necessary to implement the increase in juvenile jurisdiction to include 16- and
45 17-year-old persons by April 1, 2018, to the General Assembly with copies to the Joint Legislative
46 Oversight Committee on Justice and Public Safety and to the Appropriations Committees on
47 Justice and Public Safety of both houses. The Advisory Committee shall submit additional interim
48 reports with updates on the planning steps completed towards implementation, including any
49 legislative, administrative, and funding recommendations, annually by January 15 of each year.
50 The Advisory Committee shall submit a final report on the implementation of this act, and its
51 findings and recommendations, including legislative, administrative, and funding

1 recommendations, by January 15, 2023, to the General Assembly and the Governor. The Advisory
2 Committee shall terminate on February 1, 2023, or upon the filing of its final report, whichever
3 occurs earlier.

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

7
8 **PART VII. EFFECTIVE DATE**

9 **SECTION 7.** Part I of this act becomes effective December 1, 2019, and applies to
10 offenses committed on or after that date. Part II and Section 3.1 of this act become effective July
11 1, 2017, and Part II applies to all complaints filed on or after that date. Except as otherwise
12 provided in this act, the remainder of this act is effective when it becomes law. Prosecutions or
13 delinquency proceedings initiated for offenses committed before any particular section of this act
14 becomes effective are not abated or affected by this act, and the statutes that are in effect on the
15 dates the offenses are committed remain applicable to those prosecutions.