

Juvenile Jurisdiction Advisory Committee (S.L. 2017-57)



I. Legislative Recommendations

The following list represents Committee-approved legislative recommendations.

- A recommendation that implementation be undertaken in full, at one time, rather than staggered given the annual savings associated with full implementation.
- A recommendation to include items in SECTION 16D.4.(rr) (1) through SECTION 16D.4.(rr) (10) in juvenile jurisdiction. The committee further recommends amending SECTION 16D.4.(rr) (10) to read “Any H, I, or misdemeanor offense requiring registration as a sex offender pursuant to Article 27A of Chapter 14 of the General Statutes.”
- Housing and Transfer legislation recommendations
 - All persons less than 18 years of age who are ordered to be held in custody prior to their trial or adjudication, whether in adult court or juvenile court, shall be housed in an approved Juvenile Justice Section facility, and not be incarcerated in county jails (unless the county jail has an agreement with the Juvenile Justice Section to house juveniles); and
 - Once it is determined that a person less than 18 years of age will be held in custody prior to trial or adjudication, that person shall be transported to and from the approved Juvenile Justice Section facility by Juvenile Justice Section personnel or personnel authorized by the Juvenile Justice Section; and
 - All persons less than 18 years of age who are convicted in adult court and are sentenced to be held in custody shall be housed in an approved facility operated by the Adult Correction and Juvenile Justice Division and not be incarcerated in county jails (unless the county jail has an agreement with the Juvenile Justice Section to house juveniles);
 - Any person who is held in the custody of the Juvenile Justice Section prior to their trial in adult court, upon becoming 18 years of age, shall be transferred to the custody of the county jail where the charges arose by Juvenile Justice Section personnel or personnel authorized by the Juvenile Justice Section; and
 - Further, the committee requests that the General Assembly fund a unified video conferencing system, with the Administrative Office of Courts to administer standards in consultation with the Department of Public Safety, that allows communication between both juvenile detention and adult detention facilities and the courts to reduce transportation costs, improve access to the courts, and improve safety.
- Amend G.S. 7B-1501 (7) (b), definition of delinquent juveniles.
Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an infraction under State law or under an ordinance of local government, excluding any misdemeanor or infraction violation of the Chapter 20 motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.
Amend G.S. 143B-805(6) (b) similarly.
- Recommendation to remove Possession of Stolen Vehicle from Chapter 20.
- Recommendation that requests for expansion funding for School Resource Officers include a training requirement for School Resource Officers and language consistent with the plan to establish a school justice partnership. Recommendation to add School Justice Partnerships to required School Resource Officer training curriculum.
- Recommendation that all school safety conversations must include School Justice Partnerships as part of the discussion.
- Recommendation that DPS work with the Administrative Office of the Courts, with input via electronic communication from Juvenile Jurisdiction Advisory Committee members, to develop statutory language that permits legal assistants to access applicable JWisE information.
- Recommendation to add to G.S. 7B-2200.5, a new (c): If the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F or G felony if committed by an adult, the probable cause hearing shall be conducted within 90 days of the date of the juvenile’s first appearance. The court may continue the hearing for good cause.
- Recommendation to add to G.S. 7B-2200.5, a new (d): In any case where jurisdiction of a juvenile has been transferred to Superior Court, upon joint motion of the prosecutor and juvenile’s (defendant’s) attorney, the court

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shall remand the case back to Juvenile Court. The adult court record is then automatically expunged following remand to Juvenile Court.

- Recommendation to add to G.S. 7B-1906, a new (b1): As long as the 16- and 17-year old remains in secure custody, if the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F or G felony if committed by an adult, further hearings to determine the need for secure custody shall be held at intervals of no more than 30 calendar days. Further hearings on the need for continued secure custody may be waived only with the consent of the juvenile. Upon request of the juvenile, through counsel for the juvenile, further hearings may be held at intervals of 10 days for good cause determined by the court.
- Amend G.S. 7B-1604(b)(ii) to allow youth with previous motor vehicle violations excluding DWI, to be included under juvenile jurisdiction upon the Dec. 1, 2019 implementation of the Juvenile Justice Reinvestment Act. 7B-1604 (b): A juvenile (i) who is transferred to and convicted in superior court or (ii) who has previously been convicted in either district or superior court for a felony or a misdemeanor, ~~including~~ excluding a violation of the motor vehicle laws other than driving while impaired under State law, shall be prosecuted as an adult for any criminal offense the juvenile commits after the district or superior court conviction.
- Amend G.S. 7B-2508 (g1) to establish the standard of finding related to gang activity, and hence the standard on which the gang suppression portion of S.L. 2017-57 is based. (g1) **(Effective December 1, 2019)** Notwithstanding subsection (f) of this section, if a juvenile is adjudicated for an offense that the court finds beyond a reasonable doubt was committed as part of criminal gang activity as defined in G.S. 7B-2508.1, the juvenile shall receive a disposition one level higher than would otherwise be provided for the class of offense and delinquency history level.

Special Provision Considerations for Juvenile Crime Prevention Councils (JCPCs)

- JCPC Special Provision language to prepare Juvenile Crime Prevention Council to focus on service need expansion for 16 and older youth
 - Move to a 2-year funding cycle beginning in FY 19-20
 - Multi-county/district funding (slight edit to general statute)
 - New Allocation formula consideration
 - Raise on restitution caps
 - Remove funding cap amount (\$100,000) for Alternative to Commitment Program awards
 - Allow for contractual Level II JCPC endorsed funding to be based on the risk and needs of each individual juvenile instead of the dispositional level.

Legislation Changes related to Community Programs and Juvenile Crime Prevention Councils (JCPCs)

- JCPC Membership:
 - Allow for a Chief of Police designee
 - Correcting area mental health authority language with LME/MCO or designee
 - Changing the age of the two (2) youth participants from “up to 18 years of age” to “up to 21 years of age” and also allowing JCPC the opportunity to appoint a family advocate in one of the youth positions
- Allow for blended funding through joint JCPC program development “between counties **and** judicial” districts.
- Allow for 2-year funding cycle for JCPC funded programs and JCPC -Endorsed Level II Dispositional Alternatives, and Alternative to Commitment “Intensive Intervention Services” Programs
- Merge Alternative to Commitment funding and Level II Dispositional Alternatives funding under “Intensive Intervention Services” and remove funding caps