

- 1 (4) A short description of the local services, programs, or projects that will  
2 receive funds.
- 3 (5) Identification of any programs that received grant funds at one time but for  
4 which funding has been eliminated by the Department.
- 5 (6) The number of at-risk, diverted, and adjudicated juveniles served by each  
6 county.
- 7 (7) The Department's actions to ensure that county JCPCs prioritize funding for  
8 dispositions of intermediate and community-level sanctions for  
9 court-adjudicated juveniles under minimum standards adopted by the  
10 Department.
- 11 (8) The total cost for each funded program, including the cost per juvenile and  
12 the essential elements of the program."  
13

#### 14 JUVENILE JUSTICE REINVESTMENT ACT

#### 15 16 INCREASE THE AGE OF JUVENILE JURISDICTION, EXCEPT FOR CERTAIN 17 FELONIES

18 SECTION 16D.4.(a) G.S. 7B-1501 reads as rewritten:

#### 19 "§ 7B-1501. Definitions.

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

- 22 ...
- 23 (7) Delinquent juvenile. –
- 24 a. Any juvenile who, while less than 16 years of age but at least 6 years  
25 of age, commits a crime or infraction under State law or under an  
26 ordinance of local government, including violation of the motor  
27 vehicle laws, or who commits indirect contempt by a juvenile as  
28 defined in G.S. 5A-31.
- 29 b. Any juvenile who, while less than 18 years of age but at least 16  
30 years of age, commits a crime or an infraction under State law or  
31 under an ordinance of local government, excluding violation of the  
32 motor vehicle laws, or who commits indirect contempt by a juvenile  
33 as defined in G.S. 5A-31.
- 34 ...
- 35 (27a) Victim. – Any individual or entity against whom a crime or infraction is  
36 alleged to have been committed by a juvenile based on reasonable grounds  
37 that the alleged facts are true. For purposes of Article 17 of this Chapter, the  
38 term may also include a parent, guardian, or custodian of a victim under the  
39 age of 18 years of age.

40 ...."

41 SECTION 16D.4.(b) G.S. 7B-1601 reads as rewritten:

#### 42 "§ 7B-1601. Jurisdiction over delinquent juveniles.

- 43 (a) The court has exclusive, original jurisdiction over any case involving a juvenile who  
44 is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at  
45 the time of the alleged offense governs.
- 46 (b) When the court obtains jurisdiction over a juvenile alleged to be  
47 ~~delinquent~~, delinquent for an offense committed prior to the juvenile reaching the age of 16  
48 years, jurisdiction shall continue until terminated by order of the court or until the juvenile  
49 reaches the age of 18 years, except as provided otherwise in this Article.
- 50 (b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an  
51 offense committed while the juvenile was at least 16 years of age but less than 17 years of age,

1 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the  
2 age of 19 years. If the offense was committed while the juvenile was at least 17 years of age,  
3 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the  
4 age of 20 years.

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

10 (c1) When delinquency proceedings for a juvenile alleged to be delinquent for an offense  
11 committed while the juvenile was at least 16 years of age but less than 17 years of age cannot  
12 be concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for  
13 the sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either  
14 transferring the case to superior court for trial as an adult or dismissing the petition. When  
15 delinquency proceedings for a juvenile alleged to be delinquent for an offense committed while  
16 the juvenile was at least 17 years of age cannot be concluded before the juvenile reaches the  
17 age of 20 years, the court retains jurisdiction for the sole purpose of conducting proceedings  
18 pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial  
19 as an adult or dismissing the petition.

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

26 (d1) When the court has not obtained jurisdiction over a juvenile before the juvenile  
27 reaches the age of 19, for a felony and related misdemeanors the juvenile allegedly committed  
28 while the juvenile was at least 16 years of age but less than 17 years of age, the court has  
29 jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this  
30 Chapter and either transferring the case to superior court for trial as an adult or dismissing the  
31 petition. When the court has not obtained jurisdiction over a juvenile before the juvenile  
32 reaches the age of 20, for a felony and related misdemeanors the juvenile allegedly committed  
33 while the juvenile was at least 17 years of age but less than 18 years of age, the court has  
34 jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this  
35 Chapter and either transferring the case to superior court for trial as an adult or dismissing the  
36 petition.

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

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

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

45 **SECTION 16D.4.(c)** G.S. 7B-1604 reads as rewritten:

46 **"§ 7B-1604. Limitations on juvenile court jurisdiction.**

47 (a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who  
48 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~ juvenile has reached the  
49 age of 18 years is subject to prosecution as an adult. A juvenile who is emancipated shall be  
50 prosecuted as an adult for the commission of a criminal offense.

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

5 **SECTION 16D.4.(d)** G.S. 7B-2200 reads as rewritten:

6 **"§ 7B-2200. Transfer of jurisdiction of a juvenile under the age of 16 to superior court.**

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

14 **SECTION 16D.4.(e)** Article 22 of Chapter 7B of the General Statutes is amended  
15 by adding a new section to read:

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

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

22 (1) Notice to the juvenile and a finding by the court that a bill of indictment has  
23 been returned against the juvenile charging the commission of an offense  
24 that constitutes a Class A, B1, B2, C, D, F, or G felony if committed by an  
25 adult.

26 (2) Notice, hearing, and a finding of probable cause that the juvenile committed  
27 an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if  
28 committed by an adult.

29 (b) If the juvenile was 16 years of age or older at the time the juvenile allegedly  
30 committed an offense that would be a Class H or I felony if committed by an adult, after notice,  
31 hearing, and a finding of probable cause, the court may, upon motion of the prosecutor or the  
32 juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court  
33 pursuant to G.S. 7B-2203."

34 **SECTION 16D.4.(f)** G.S. 7B-2202 reads as rewritten:

35 **"§ 7B-2202. Probable cause hearing.**

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

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

48 ...."

49 **SECTION 16D.4.(g)** G.S. 7B-2506 reads as rewritten:

50 **"§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

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

- 1                   b.       A suitable plan of supervision or placement; or  
2                   c.       Some other plan that the court finds to be in the best interests of the  
3                   juvenile.

4                   ...."

5                   **SECTION 16D.4.(h)** G.S. 7B-2507 reads as rewritten:

6                   "**§ 7B-2507. Delinquency history levels.**

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

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

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

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

16                   (2a)       For each prior conviction of a Class A through E felony offense, 4 points.

17                   (2b)       For each prior conviction of a Class F through I felony or Class A1  
18 misdemeanor offense, excluding conviction of the motor vehicle laws, 2  
19 points.

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

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

25                   (3a)       For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,  
26 excluding conviction for violation of the motor vehicle laws, 1 point.

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

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

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

31                   (1)       Low – No more than 1 point.

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

33                   (3)       High – At least 4 points.

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

37                  (d)       Multiple Prior Adjudications or Convictions Obtained in One Court Session. – For  
38 purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent or  
39 convicted for more than one offense in a single session of district ~~court~~, court or more than one  
40 offense in a single superior court during one calendar week, only the adjudication or conviction  
41 for the offense with the highest point total is used.

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

1 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as  
2 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for  
3 assigning delinquency history level points. If the State proves by the preponderance of the  
4 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially  
5 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication  
6 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level  
7 points.

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

- 10 (1) Stipulation of the parties.
- 11 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication  
12 or conviction.
- 13 (3) A copy of records maintained by the Department of Public Safety or by the  
14 Division.
- 15 (4) Any other method found by the court to be reliable.

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

31 **SECTION 16D.4.(i)** G.S. 7B-2513(a) reads as rewritten:

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

35 ~~(a1) In no event shall~~ For an offense the juvenile committed prior to reaching the age of  
36 16 years, the term shall not exceed:

- 37 (1) The twenty-first birthday of the juvenile if the juvenile has been committed  
38 to the Division for an offense that would be first-degree murder pursuant to  
39 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree  
40 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense  
41 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant  
42 to G.S. 14-27.29 if committed by an adult;
- 43 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to  
44 the Division for an offense that would be a Class B1, B2, C, D, or E felony if  
45 committed by an adult, other than an offense set forth in subdivision (1) of  
46 this subsection; or
- 47 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to  
48 the Division for an offense other than an offense that would be a Class A,  
49 B1, B2, C, D, or E felony if committed by an adult.

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

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

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

13       **SECTION 16D.4.(j)** G.S. 7B-2515 reads as rewritten:

14 **"§ 7B-2515. Notification of extended commitment; plan of treatment.**

15       (a) In determining whether a juvenile who was committed to the Division for an offense  
16 that was committed prior to the juvenile reaching the age of 16 years should be released before  
17 the juvenile's 18th birthday, the Division shall consider the protection of the public and the  
18 likelihood that continued placement will lead to further rehabilitation. If the Division does not  
19 intend to release the juvenile prior to the juvenile's eighteenth birthday, or if the Division  
20 determines that the juvenile's commitment should be continued beyond the maximum  
21 commitment period as set forth in G.S. 7B-2513(a), G.S. 7B-2513(a4), the Division shall notify  
22 the juvenile and the juvenile's parent, guardian, or custodian in writing at least 30 days in  
23 advance of the juvenile's eighteenth birthday or the end of the maximum commitment period,  
24 of the additional specific commitment period proposed by the Division, the basis for extending  
25 the commitment period, and the plan for future care or treatment.

26       (a1) In determining whether a juvenile who was committed to the Division for an offense  
27 that was committed while the juvenile was at least 16 years of age but less than 17 years of age  
28 should be released before the juvenile's nineteenth birthday, the Division shall consider the  
29 protection of the public and the likelihood that continued placement will lead to further  
30 rehabilitation. If the Division does not intend to release the juvenile prior to the juvenile's  
31 nineteenth birthday, or if the Division determines that the juvenile's commitment should be  
32 continued beyond the maximum commitment period as set forth in G.S. 7B-2513(a4), the  
33 Division shall notify the juvenile and the juvenile's parent, guardian, or custodian in writing, at  
34 least 30 days in advance of the juvenile's nineteenth birthday or the end of the maximum  
35 commitment period, of the additional specific commitment period proposed by the Division,  
36 the basis for extending the commitment period, and the plan for future care or treatment.

37       (a2) In determining whether a juvenile who was committed to the Division for an offense  
38 that was committed while the juvenile was at least 17 years of age but less than 18 years of age  
39 should be released before the juvenile's twentieth birthday, the Division shall consider the  
40 protection of the public and the likelihood that continued placement will lead to further  
41 rehabilitation. If the Division does not intend to release the juvenile prior to the juvenile's  
42 twentieth birthday, or if the Division determines that the juvenile's commitment should be  
43 continued beyond the maximum commitment period as set forth in G.S. 7B-2513(a4), the  
44 Division shall notify the juvenile and the juvenile's parent, guardian, or custodian in writing, at  
45 least 30 days in advance of the juvenile's twentieth birthday or the end of the maximum  
46 commitment period, of the additional specific commitment period proposed by the Division,  
47 the basis for extending the commitment period, and the plan for future care or treatment.

48       (b) The Division shall modify the plan of care or treatment developed pursuant to  
49 G.S. 7B-2513(f) to specify (i) the specific goals and outcomes that require additional time for  
50 care or treatment of the juvenile; (ii) the specific course of treatment or care that will be  
51 implemented to achieve the established goals and outcomes; and (iii) the efforts that will be

1 taken to assist the juvenile's family in creating an environment that will increase the likelihood  
2 that the efforts to treat and rehabilitate the juvenile will be successful upon release. If  
3 appropriate, the Division may place the juvenile in a setting other than a youth development  
4 center.

5 (c) The juvenile and the juvenile's parent, guardian, or custodian may request a review  
6 by the court of the Division's decision to extend the juvenile's commitment ~~beyond the~~  
7 ~~juvenile's eighteenth birthday or maximum commitment period, pursuant to this section,~~ in  
8 which case the court shall conduct a review hearing. The court may modify the Division's  
9 decision and the juvenile's maximum commitment period. If the juvenile or the juvenile's  
10 parent, guardian, or custodian does not request a review of the Division's decision, the  
11 Division's decision shall become the juvenile's new maximum commitment period."

12 **SECTION 16D.4.(k)** 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.~~  
18 ~~7B-1501 at any time the presence of the juvenile is required in court for pretrial hearings or~~  
19 ~~trial, if the court finds that it would be inconvenient to return the juvenile to the detention~~  
20 ~~facility. Any detention of the juvenile pending release shall be in accordance with~~  
21 ~~G.S. 7B-2204."~~

22 **SECTION 16D.4.(l)** G.S. 7B-3101(a)(2) reads as rewritten:

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

25 **SECTION 16D.4.(m)** G.S. 5A-31(a) reads as rewritten:

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

29 "...."

30 **SECTION 16D.4.(n)** G.S. 5A-34(b) reads as rewritten:

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

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

34 (2) Is married or otherwise emancipated; or

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

37 **SECTION 16D.4.(o)** G.S. 14-208.6B reads as rewritten:

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

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

44 **SECTION 16D.4.(p)** G.S. 14-316.1 reads as rewritten:

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

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



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

9 **SECTION 16D.4.(q)** G.S. 115C-404(a) reads as rewritten:

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

24 **SECTION 16D.4.(r)** G.S. 143B-805(6) reads as rewritten:

25 "(6) Delinquent juvenile. –

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

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

36 **SECTION 16D.4.(s)** G.S. 143B-806(b) is amended by adding a new subdivision to  
37 read:

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

#### 41 42 **VICTIM REQUEST/REVIEW OF DECISION NOT TO FILE A PETITION**

43 **SECTION 16D.4.(t)** G.S. 7B-1703(c) reads as rewritten:

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

50 (1) The date of the determination;

51 (2) The words "Not Approved for Filing"; and

1 (3) Whether the matter is "Closed" or "Diverted and Retained".

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

5 **SECTION 16D.4.(u)** G.S. 7B-1704 reads as rewritten:

6 **"§ 7B-1704. Request for review by prosecutor.**

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

13 **SECTION 16D.4.(v)** G.S. 7B-1705 reads as rewritten:

14 **"§ 7B-1705. Review of determination that petition should not be filed.**

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

21 **SECTION 16D.4.(w)** G.S. 143B-806(b) is amended by adding a new subdivision  
22 to read:

23 "(14a) Develop and administer a system to provide information to victims and  
24 complainants regarding the status of pending complaints and the right of a  
25 complainant and victim to request review under G.S. 7B-1704 of a decision  
26 to not file a petition."

27  
28 **INCREASE INFORMATION AVAILABLE ON JUVENILES TO LAW**  
29 **ENFORCEMENT AND FOR COURT PROCEEDINGS**

30 **SECTION 16D.4.(x)** G.S. 7B-3001 reads as rewritten:

31 **"§ 7B-3001. Other records relating to juveniles.**

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

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

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

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

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

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

- 11 (1) The juvenile and the juvenile's attorney;  
 12 (2) The juvenile's parent, guardian, custodian, or the authorized representative of  
 13 the juvenile's parent, guardian, or custodian;  
 14 (3) Professionals in the agency who are directly involved in the juvenile's case;  
 15 and  
 16 (4) Juvenile court counselors.

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

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

28 **SECTION 16D.4.(y)** By July 1, 2018, the Administrative Office of the Courts shall  
 29 expand access to its automated electronic information management system for juvenile courts,  
 30 JWisE, to include prosecutors and attorneys representing juveniles in juvenile court  
 31 proceedings. Access shall be limited to examining electronic records related to juvenile  
 32 delinquency information. Other information contained in JWisE, such as any records pertaining  
 33 to abuse, neglect, and dependency or termination of parental rights, shall not be made available  
 34 to a prosecutor or juvenile's attorney through JWisE.

35 **SECTION 16D.4.(z)** Due to the increased mobility of North Carolina citizens  
 36 across counties, the Administrative Office of the Courts shall develop statewide inquiry access  
 37 for JWisE users that corresponds to access to juvenile court records as authorized under Chapter  
 38 7B of the General Statutes by July 1, 2018.

39

40 **SCHOOL-JUSTICE PARTNERSHIPS TO REDUCE SCHOOL-BASED REFERRALS**  
 41 **TO JUVENILE COURTS**

42 **SECTION 16D.4.(aa)** G.S. 7A-343 reads as rewritten:

43 **"§ 7A-343. Duties of Director.**

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

46 ...

- 47 (9g) Prescribe policies and procedures for chief district court judges to establish  
 48 school-justice partnerships with local law enforcement agencies, local  
 49 boards of education, and local school administrative units with the goal of  
 50 reducing in-school arrests, out-of-school suspensions, and expulsions.

51 ...."

**JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS****SECTION 16D.4.(bb)** G.S. 17C-6(a) reads as rewritten:**"§ 17C-6. Powers of Commission.**

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

...

- (2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent position. The standards for entry level employment shall include all of the following:
- a. ~~education~~Education and training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions.
  - b. Education and training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.

...

- (14) Establish minimum standards for in-service training for criminal justice officers. In-service training standards shall include all of the following:
- a. ~~training~~Training in response to, and investigation of, domestic violence cases, as well as training investigation for evidence-based prosecutions.
  - b. Training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.

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

...."

**SECTION 16D.4.(cc)** G.S. 17E-4(a) reads as rewritten:**"§ 17E-4. Powers and duties of the Commission.**

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

...

- (2) Establish minimum educational and training standards that may be met in order to qualify for entry level employment as an officer in temporary or probationary status or in a permanent position. The standards for entry level employment of officers shall include all of the following:
- a. ~~training~~Training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. For purposes of the domestic violence training requirement, the term "officers" shall include justice officers as

1 defined in G.S. 17E-2(3)a., except that the term shall not include  
 2 "special deputy sheriffs" as defined in ~~G.S.~~  
 3 ~~17E-2(3)a.;~~G.S. 17E-2(3)a.  
 4 b. Training on juvenile justice issues, including (i) the handling and  
 5 processing of juvenile matters for referrals, diversion, arrests, and  
 6 detention; (ii) best practices for handling incidents involving  
 7 juveniles; (iii) adolescent development and psychology; and (iv)  
 8 promoting relationship building with youth as a key to delinquency  
 9 prevention.

- 10 ...  
 11 (11) Establish minimum standards for in-service training for justice officers.  
 12 In-service training standards shall include all of the following:  
 13 a. ~~training~~Training in response to, and investigation of, domestic  
 14 violence cases, as well as training in investigation for evidence-based  
 15 prosecutions. For purposes of the domestic violence training  
 16 requirement, the term "justice officer" shall include those defined in  
 17 G.S. 17E-2(3)a., except that the term shall not include "special  
 18 deputy sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.  
 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  
 22 juveniles; (iii) adolescent development and psychology; and (iv)  
 23 promoting relationship building with youth as a key to delinquency  
 24 prevention.  
 25 (12) Establish minimum standards and levels of training for certification of  
 26 instructors for the domestic violence training and juvenile justice training  
 27 required by subdivisions (2) and (11) of this subsection.

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

34 **SECTION 16D.4.(dd)** In developing and implementing the education and training  
 35 required by subsections (a) and (b) of this section, the North Carolina Criminal Justice  
 36 Education and Training Standards Commission and the North Carolina Sheriffs' Education and  
 37 Training Standards Commission shall work with the Division of Adult Correction and Juvenile  
 38 Justice of the Department of Public Safety.  
 39

#### 40 JUVENILE GANG SUPPRESSION

41 **SECTION 16D.4.(ee)** G.S. 7B-1702 reads as rewritten:

##### 42 "§ 7B-1702. Evaluation.

43 Upon a finding of legal sufficiency, except in cases involving nondivertible offenses set out  
 44 in G.S. 7B-1701, the juvenile court counselor shall determine whether a complaint should be  
 45 filed as a petition, the juvenile diverted pursuant to G.S. 7B-1706, or the case resolved without  
 46 further action. In making the decision, the counselor shall consider criteria provided by the  
 47 ~~Department.~~ Department and shall conduct a gang assessment. The intake process shall include  
 48 the following steps if practicable:

- 49 (1) Interviews with the complainant and the victim if someone other than the  
 50 complainant;  
 51 (2) Interviews with the juvenile and the juvenile's parent, guardian, or custodian;

1 (3) Interviews with persons known to have relevant information about the  
2 juvenile or the juvenile's family.  
3 Interviews required by this section shall be conducted in person unless it is necessary to  
4 conduct them by telephone."

5 **SECTION 16D.4.(ff)** The Division of Adult Correction and Juvenile Justice of the  
6 Department of Public Safety shall develop a gang assessment instrument to be used in  
7 accordance with subsection (ee) of this section. The form shall be developed in consultation  
8 with the administrator of the GangNET database maintained by the North Carolina State  
9 Highway Patrol, and the Division may also consult with other entities that might provide  
10 information relevant to the development of an effective assessment tool.

11 **SECTION 16D.4.(gg)** G.S. 7B-2508 is amended by adding a new subsection to  
12 read:

13 "(g1) Notwithstanding subsection (f) of this section, if a juvenile is adjudicated for an  
14 offense that the court finds was committed as part of criminal gang activity as defined in  
15 G.S. 7B-2508.1, the juvenile shall receive a disposition one level higher than would otherwise  
16 be provided for the class of offense and delinquency history level."

17 **SECTION 16D.4.(hh)** Article 25 of Chapter 7B of the General Statutes is amended  
18 by adding a new section to read:

19 **§ 7B-2508.1. Criminal gang activity.**

20 The following definitions apply in this Article:

21 (1) Criminal gang. – Any ongoing organization, association, or group of three or  
22 more persons, whether formal or informal, that (i) has as one of its primary  
23 activities the commission of criminal or delinquent acts and (ii) shares a  
24 common name, identification, signs, symbols, tattoos, graffiti, attire, or other  
25 distinguishing characteristics, including common activities, customs, or  
26 behaviors. The term shall not include three or more persons associated in  
27 fact, whether formal or informal, who are not engaged in criminal gang  
28 activity.

29 (2) Criminal gang activity. – The commission of, attempted commission of, or  
30 solicitation, coercion, or intimidation of another person to commit (i) any  
31 offense under Article 5 of Chapter 90 of the General Statutes or (ii) any  
32 offense under Chapter 14 of the General Statutes except Article 9, 22A, 40,  
33 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184,  
34 14-186, 14-190.9, 14-247, 14-248, or 14-313 thereof, and either of the  
35 following conditions is met:

36 a. The offense is committed with the intent to benefit, promote, or  
37 further the interests of a criminal gang or for the purposes of  
38 increasing a person's own standing or position within a criminal  
39 gang.

40 b. The participants in the offense are identified as criminal gang  
41 members acting individually or collectively to further any criminal  
42 purpose of a criminal gang.

43 (3) Criminal gang member. – Any person who meets three or more of the  
44 following criteria:

45 a. The person admits to being a member of a criminal gang.

46 b. The person is identified as a criminal gang member by a reliable  
47 source, including a parent or a guardian.

48 c. The person has been previously involved in criminal gang activity.

49 d. The person has adopted symbols, hand signs, or graffiti associated  
50 with a criminal gang.

- 1           e.     The person has adopted the display of colors or the style of dress  
2                     associated with a criminal gang.  
3           f.     The person is in possession of or linked to a criminal gang by  
4                     physical evidence, including photographs, ledgers, rosters, written or  
5                     electronic communications, or membership documents.  
6           g.     The person has tattoos or markings associated with a criminal gang.  
7           h.     The person has adopted language or terminology associated with a  
8                     criminal gang.  
9           i.     The person appears in any form of social media to promote a  
10                    criminal gang."

11           **SECTION 16D.4.(ii)** G.S. 7B-3001(a) reads as rewritten:

12           "(a) The chief court counselor shall maintain a record of all cases of juveniles under  
13 supervision of juvenile court counselors, to be known as the juvenile court counselor's record.  
14 The juvenile court counselor's record shall include family background information; reports of  
15 social, medical, psychiatric, or psychological information concerning a juvenile or the  
16 juvenile's family; probation reports; interviews with the juvenile's family; the results of the  
17 gang assessment; or other information the court finds should be protected from public  
18 inspection in the best interests of the juvenile."

19           **SECTION 16D.4.(jj)** Subsection (ff) of this section is effective when it becomes  
20 law. The remainder of this Part becomes effective December 1, 2019, and applies to offenses  
21 committed on or after that date.

## 22           **ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

23           **SECTION 16D.4.(kk)** Advisory Committee Established. – There is established  
24 within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
25 the Juvenile Jurisdiction Advisory Committee. The Division of Adult Correction and Juvenile  
26 Justice shall provide professional and clerical staff and other services and supplies, including  
27 meeting space, as needed for the Advisory Committee to carry out its duties in an effective  
28 manner.  
29

30           **SECTION 16D.4.(ll)** Membership. – The Advisory Committee shall consist of 21  
31 members. The following members or their designees shall serve as ex officio members:

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

44           The remaining members shall be appointed as follows:

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

- 1 (12) One clerk of superior court appointed by the President Pro Tempore of the  
2 Senate.
- 3 (13) One district attorney appointed by the Speaker of the House of  
4 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  
10 by the President Pro Tempore of the Senate and one appointed by the  
11 Speaker of 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  
14 of the House of Representatives.

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

19 **SECTION 16D.4.(mm)** Chair; Meetings. – The President Pro Tempore of the  
20 Senate and the Speaker of the House of Representatives shall each designate one member to  
21 serve as cochair of 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 16D.4.(oo)** Cooperation by Government Agencies. – The Advisory  
27 Committee may call upon any department, agency, institution, or officer of the State or any  
28 political subdivision thereof for facilities, data, or other assistance.

29 **SECTION 16D.4.(pp)** Duties of Advisory Committee. – The Advisory Committee  
30 shall develop a specific plan for the implementation of any changes in the juvenile justice  
31 system that would be required in order to extend jurisdiction in delinquency matters and  
32 proceedings to include 16- and 17-year-old persons within the juvenile justice system. The plan  
33 shall include cost estimates for each portion of the plan, including capital costs, operating costs,  
34 and staffing costs. As the expansion of the jurisdiction of the Division of Juvenile Justice to  
35 include persons 16 and 17 years of age who commit crimes or infractions becomes effective  
36 pursuant to this act, the Advisory Committee shall monitor and review the implementation of  
37 the expansion and shall make additional recommendations to the General Assembly as  
38 necessary.

39 **SECTION 16D.4.(qq)** Consultation. – The Advisory Committee shall consult with  
40 appropriate State departments, agencies, and board representatives on issues related to juvenile  
41 justice administration.

42 **SECTION 16D.4.(rr)** Report. – By March 1, 2018, the Advisory Committee shall  
43 submit an interim report to the General Assembly with copies to the Joint Legislative Oversight  
44 Committee on Justice and Public Safety and to the Appropriations Committees on Justice and  
45 Public Safety of both houses containing (i) the specific plan and the cost estimates for capital,  
46 operating, and staffing costs for implementation of this section, including legislative,  
47 administrative, and funding recommendations necessary to implement the increase in juvenile  
48 jurisdiction to include 16- and 17-year-old persons and (ii) cost estimates for capital, operating,  
49 and staffing costs if the implementation of this section was staggered based on age. The interim  
50 report shall also include its findings and recommendations as to whether the extension of



1 jurisdiction in delinquency matters and proceedings should include juveniles who commit the  
2 following offenses:

- 3 (1) Habitual misdemeanor assault (G.S. 14-33.2).
- 4 (2) Crime against nature (G.S. 14-177).
- 5 (3) Obscene literature and exhibitions (G.S. 14-190.1).
- 6 (4) Third degree sexual exploitation of a minor (G.S. 14-190.17A).
- 7 (5) Solicitation of a child by computer to commit an unlawful sex act  
8 (G.S. 14-202.3).
- 9 (6) Stalking when court order in effect (G.S. 14-277.3A).
- 10 (7) The Class A1 offense of misdemeanor assault on a law enforcement officer.
- 11 (8) Assault inflicting serious bodily injury; strangulation (G.S. 14-32.4).
- 12 (9) Fraudulently setting fire to dwelling houses (G.S. 14-65).
- 13 (10) Any offense requiring registration as a sex offender pursuant to Article 27A  
14 of Chapter 14 of the General Statutes.
- 15 (11) Any other offense the Committee deems appropriate for exclusion.

16 The Advisory Committee shall submit additional interim reports with updates on the  
17 planning steps completed towards implementation, including any legislative, administrative,  
18 and funding recommendations, annually by January 15 of each year.

19 The Advisory Committee shall submit a final report on the implementation of this  
20 section and its findings and recommendations, including legislative, administrative, and  
21 funding recommendations, by January 15, 2023, to the General Assembly and the Governor.  
22 The Advisory Committee shall terminate on February 1, 2023, or upon the filing of its final  
23 report, whichever occurs earlier.

24 **SECTION 16D.4.(ss)** Funding. – The Advisory Committee may apply for, receive,  
25 and accept grants of non-State funds or other contributions as appropriate to assist in the  
26 performance of its duties.

## 27

### 28 **EFFECTIVE DATES**

29 **SECTION 16D.4.(tt)** Sections 16D.4(a) through 16D.4(s) of this act become  
30 effective December 1, 2019, and apply to offenses committed on or after that date. Sections  
31 16D.4(t) through 16D.4(x) of this act become effective October 1, 2017, and Sections 16D.4(t)  
32 through 16D.4(w) apply to all complaints filed on or after that date. Except as otherwise  
33 provided in this act, the remainder of this act is effective when it becomes law. Prosecutions or  
34 delinquency proceedings initiated for offenses committed before any particular section of this  
35 section becomes effective are not abated or affected by this act, and the statutes that are in  
36 effect on the dates the offenses are committed remain applicable to those prosecutions.

## 37

### 38 **SUBPART XVI-E. EMERGENCY MANAGEMENT AND NATIONAL GUARD**

#### 39

#### 40 **SEARCH AND RESCUE CHANGES**

41 **SECTION 16E.2.** Article 6 of Chapter 166A of the General Statutes reads as  
42 rewritten:

43 "Article 6.

44 "~~Urban~~ North Carolina Search and Rescue.

#### 45 **"§ 166A-65. Definitions.**

46 The following definitions apply in this Article:

- 47 (1) Contract response team. – ~~An urban~~ A search and rescue team, specialty  
48 rescue team, or incident support team.
- 49 (2) Incident support team. – A team of trained emergency response personnel,  
50 organized to provide coordination between governmental agencies and