

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1116

Short Title: Juvenile Supervision Change.

(Public)

Sponsors: Representatives Flaherty, Pope; and Bowman.

Referred to: Judiciary III.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE LENGTH OF PROTECTIVE
SUPERVISION OR PROBATION OF A JUVENILE ADJUDICATED
DELINQUENT OR UNDISCIPLINED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-648 reads as rewritten:

"§ 7A-648. Dispositional alternatives for delinquent or undisciplined juvenile.

In the case of any juvenile who is delinquent or undisciplined, the judge may:

- (1) Continue the case for no more than six months in order to allow the family an opportunity to meet the needs of the juvenile through more adequate home supervision, through placement in a private or specialized school or agency, through placement with a relative, or through some other plan approved by the court;
- (2) Place the juvenile under the protective supervision of a court counselor for no more than ~~one year~~ two years so that the court counselor may assist the juvenile in securing social, medical, and educational services and may work with the family as a unit to insure the juvenile is provided proper supervision and care;
- (3) Excuse the juvenile from compliance with the compulsory school attendance law when the judge finds that suitable alternative plans can be arranged by the family through other community resources for one of the following: an education related to the needs or abilities of the juvenile including vocational education or special education; a suitable

1 plan of supervision or placement; or some other plan that the judge
2 finds to be in the best interest of the juvenile."

3 Sec. 2. G.S. 7A-649 reads as rewritten:

4 **"§ 7A-649. Dispositional alternatives for delinquent juvenile.**

5 In the case of any juvenile who is delinquent, the judge may:

- 6 (1) Suspend imposition of a more severe, statutorily permissible
7 disposition with the provision that the juvenile meet certain conditions
8 agreed to by him and specified in the dispositional order. The
9 conditions shall not exceed the maximum criminal sanction
10 permissible for the offense;
- 11 (2) Require restitution, full or partial, payable within a 12-month period to
12 any person who has suffered loss or damage as a result of the offense
13 committed by the juvenile. The judge may determine the amount,
14 terms, and conditions of the restitution. If the juvenile participated
15 with another person or persons, all participants should be jointly and
16 severally responsible for the payment of restitution; however, the
17 judge shall not require the juvenile to make restitution if the juvenile
18 satisfies the court that he does not have, and could not reasonably
19 acquire, the means to make restitution;
- 20 (3) Impose a fine related to the seriousness of the juvenile's offense. If the
21 juvenile has the ability to pay the fine, it shall not exceed the
22 maximum fine for the offense if committed by an adult;
- 23 (4) Order the juvenile to perform supervised community service consistent
24 with the juvenile's age, skill, and ability, specifying the nature of the
25 work and the number of hours required. The work shall be related to
26 the seriousness of the juvenile's offense and in no event may the
27 obligation to work exceed 12 months;
- 28 (5) Order the juvenile to a supervised day program, requiring him to be
29 present at a specified place for all or part of every day or of certain
30 days. The judge also may require the juvenile to comply with any other
31 reasonable conditions specified in the dispositional order that are
32 designed to facilitate supervision;
- 33 (6) Order the juvenile to a community-based program of academic or
34 vocational education or to a professional residential or nonresidential
35 treatment program. Participation in the programs shall not exceed 12
36 months;
- 37 (7) Impose confinement on an intermittent basis in an approved detention
38 facility. Confinement shall be limited to:
 - 39 a. Night custody for no more than a total of five nights; or
 - 40 b. Weekend custody for no more than a total of two weekends;Confinement in either case shall be completed within a period of 60
41 days from the date of disposition;
- 42 (8) Place the juvenile on probation under the supervision of a court
43 counselor. In any case where a juvenile is placed on probation, the
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1 court counselor shall have the authority to visit the juvenile where he
2 resides. The judge shall specify conditions of probation that are related
3 to the needs of the juvenile including any of the following which
4 apply:

- 5 a. That the juvenile shall remain on good behavior and not violate
6 any laws;
- 7 b. That the juvenile attend school regularly;
- 8 c. That the juvenile not associate with specified persons or be in
9 specified places;
- 10 d. That the juvenile report to a court counselor as often as required
11 by a court counselor;
- 12 e. That the juvenile make specified financial restitution or pay a
13 fine in accordance with subdivisions (2) and (3);
- 14 f. That the juvenile be employed regularly if not attending school.

15 An order of probation shall remain in force for a period not to exceed
16 ~~one year~~ two years from the date entered. Prior to expiration of an order
17 of probation, the judge may extend it for an additional period of one
18 year after a hearing if he finds that the extension is necessary to protect
19 the community or to safeguard the welfare of the juvenile;

20 (9) Order that the juvenile shall not be licensed to operate a motor vehicle
21 in the State of North Carolina for as long as the court retains
22 jurisdiction over the juvenile or for any shorter period of time;

23 (10) Commit the juvenile to the Division of Youth Services in accordance
24 with G.S. 7A-652."

25 Sec. 3. This act becomes effective October 1, 1991, and applies to protective
26 supervision and probation used as dispositional alternatives for acts that were
27 committed on and after that date.