

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**EXTRA SESSION 1994**

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SENATE BILL 28\*

Short Title: Trans. Juv. to Sup. Ct./Hearing/Records.

(Public)

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Sponsors: Senators Perdue; Albertson, Parnell, Hoyle, Forrester, Allran, Walker, Marshall, Harris, Johnson, Gunter, Plyler, Odom, Edwards, Speed, Kaplan, Lee, Albertson, Daniel, Sands, Seymour, Ward, Tally, and Cochrane.

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Referred to: Juveniles/Prevention.

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February 9, 1994

A BILL TO BE ENTITLED

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2 AN ACT TO TRANSFER JURISDICTION OF CERTAIN JUVENILES TO  
3 SUPERIOR COURT, PROVIDE FOR A PROBABLE CAUSE HEARING, AND  
4 RETAIN RECORDS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7A-608 reads as rewritten:

7 "(a) The court after notice, hearing, and a finding of probable cause may transfer  
8 jurisdiction over a juvenile 14 years of age or older to superior court if the juvenile was  
9 14 years of age or older at the time he the juvenile allegedly committed an offense which  
10 that would be a felony if committed by an adult. If the alleged felony constitutes a Class  
11 A, B, C, D, or E felony and the judge court finds probable cause, the judge court  
12 shall transfer the case to the superior court for trial as in the case of adults.

13 (b) The court after notice, hearing, and a finding of probable cause may transfer  
14 jurisdiction over a juvenile to superior court for trial as in the case of an adult if the  
15 juvenile was 13 years of age but not yet 14 years of age at the time the juvenile  
16 allegedly committed an offense that would be a Class A, B, C, D, or E felony if  
17 committed by an adult."

18 Sec. 2. G.S. 7A-609(a) reads as rewritten:

19 "(a) The judge court shall conduct a hearing to determine probable cause in all  
20 felony cases in which a juvenile was 14 years of age or older when the offense was allegedly  
21 committed unless counsel as provided in G.S. 7A-608. Counsel for the juvenile waives  
22 may waive in writing his the right to the hearing and stipulates stipulate to a finding of

1 probable cause. The ~~judge~~ court may exclude the public from the hearing unless the  
2 juvenile moves that the hearing be open, which motion shall be granted."

3 Sec. 3. G.S. 7A-610(a) reads as rewritten:

4 "(a) If probable cause is ~~found~~, found and transfer to superior court is not required  
5 by G.S. 7A-608, the prosecutor or the juvenile may move that the case be transferred to  
6 the superior court for trial as in the case of adults. ~~If the alleged felony does not constitute~~  
7 ~~a capital offense, the~~ The judge may proceed to shall determine whether the needs of the  
8 juvenile or the best interest of the State will be served by transfer of the case to superior  
9 court for trial as in the case of adults. When the case is transferred to superior court, the  
10 superior court has jurisdiction over that felony, any offense based on the same act or  
11 transaction or on a series of acts or transactions connected together or constituting parts  
12 of a single scheme or plan of that felony, and any greater or lesser included offense of  
13 that felony."

14 Sec. 4. G.S. 7A-601(3) reads as rewritten:

15 "(3) If a juvenile ~~14~~ 13 years of age or older is found to have committed a  
16 delinquent act ~~which~~ that would be a felony if committed by an adult,  
17 all records resulting from a nontestimonial order may be retained in the  
18 court file. Special precautions shall be taken to ensure that these  
19 records will be maintained in such a manner and under such safeguards  
20 as to limit their use to inspection for comparison purposes by law-  
21 enforcement officers only in the investigation of a crime."

22 Sec. 5. This act becomes effective May 1, 1994, and applies to offenses  
23 committed on or after that date.