GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

SENATE BILL 526

Short Title: Deter Juvenile Auto Larceny.

(Public)

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Sponsors:	Senators Clodfelter; Dannelly, Goodall, Graham, and Pittenger.	
Referred to:	Judiciary I.	

March 15, 2005

A BILL TO BE ENTITLED

1	A BILL TO BE ENTITLED
2	AN ACT TO PROVIDE STRICTER PENALTIES FOR JUVENILES WHO COMMIT
3	LARCENY OF A MOTOR VEHICLE OR WHO ARE IN POSSESSION OF A
4	STOLEN MOTOR VEHICLE.
5	The General Assembly of North Carolina enacts:
6	SECTION 1. G.S. 7B-1701 reads as rewritten:
7	"§ 7B-1701. Preliminary inquiry.
8	When a complaint is received, the juvenile court counselor shall make a preliminary
9	determination as to whether the juvenile is within the jurisdiction of the court as a
10	delinquent or undisciplined juvenile. If the juvenile court counselor finds that the facts
11	contained in the complaint do not state a case within the jurisdiction of the court, that
12	legal sufficiency has not been established, or that the matters alleged are frivolous, the
13	juvenile court counselor, without further inquiry, shall refuse authorization to file the
14	complaint as a petition.
15	When requested by the juvenile court counselor, the prosecutor shall assist in
16	determining the sufficiency of evidence as it affects the quantum of proof and the
17	elements of offenses.
18	The juvenile court counselor, without further inquiry, shall authorize the complaint
19	to be filed as a petition if the juvenile court counselor finds reasonable grounds to
20	believe that the juvenile has committed one of the following nondivertible offenses:
21	(1) Murder; Murder.
22	(2) First-degree rape or second degree rape; rape.
23	(3) First-degree sexual offense or second degree sexual offense; offense.
24	(4) $\frac{\text{Arson; } \underline{\text{Arson.}}}{2}$
25	(5) Any violation of Article 5, Chapter 90 of the General Statutes that
26	would constitute a felony if committed by an adult; adult.
27	(6) First degree burglary; <u>burglary.</u>
28	(7) Crime against nature; or <u>nature.</u>

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1	(8) Any felony which involves the willful infliction of serious bodily
2	injury upon another or which was committed by use of a deadly
3	weapon.
4	(9) Larceny of a motor vehicle or possession of a stolen motor vehicle."
5	SECTION 2. G.S. 7B-1903(b)(1) reads as rewritten:
6	"(1) The juvenile is charged with a felony and has demonstrated that the
7	juvenile is a danger to property or persons. A juvenile charged with
8	larceny of a motor vehicle or possession of a stolen motor vehicle shall
9	be presumed to be a danger to property or persons."
10	SECTION 3. G.S. 7B-2507(d) reads as rewritten:
11	"(d) Multiple Prior Adjudications Obtained in One Court Session. – For purposes
12	of determining the delinquency history level, if a juvenile is adjudicated delinquent for
13	more than one misdemeanor offense in a single session of district court, only the
14	adjudication for the offense with the highest point total is used. If a juvenile is
15	adjudicated delinquent for more than one felony offense in a single session of district
16	court, each adjudication shall receive separate points."
17	SECTION 4. G.S. 7B-3000(f) reads as rewritten:
18	"(f) The juvenile's record of an adjudication of delinquency for an offense that
19	would be a Class A, B1, B2, C, D, or E-felony if committed by an adult may be used in
20	a subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule
21	404(b), or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a),
22	15A-1340.16(d), or 15A-2000(e). The record may be so used only by order of the court
23	in the subsequent criminal proceeding, upon motion of the prosecutor, after an in
24	camera hearing to determine whether the record in question is admissible."
25	SECTION 5. This act becomes effective December 1, 2005, and applies to
26	offenses committed on or after that date.