

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 1686

Short Title: Juvenile Justice Commission Established. (Public)

Sponsors: Representatives Bordsen, Bryant (Primary Sponsors); Alexander, Glazier, Harrison, Hurley, and Justus.

Referred to: Juvenile Justice, if favorable, Rules, Calendar, and Operations of the House.

April 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE NORTH CAROLINA STUDY COMMISSION ON
2 JUVENILE JUSTICE; TO REPEAL THE STATE ADVISORY COUNCIL ON
3 JUVENILE JUSTICE AND DELINQUENCY PREVENTION; AND TO MAKE
4 CONFORMING CHANGES TO THE GENERAL STATUTES.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 120 of the General Statutes is amended by adding a
8 new Article to read:

"Article 32.

"The North Carolina Study Commission on Juvenile Justice.

11 **§ 120-280. Creation and purpose of the North Carolina Study Commission on**
12 **Juvenile Justice.**

13 There is established the North Carolina Study Commission on Juvenile Justice to
14 study and evaluate the existing system of juvenile justice and to recommend an
15 improved system to protect the public and meet the needs of undisciplined and
16 delinquent juveniles. This study shall be a continuing one and the evaluation ongoing.

17 **§ 120-281. Commission duties.**

18 The North Carolina Study Commission on Juvenile Justice shall:

- 19 (1) Study the needs of juveniles who have been adjudicated undisciplined
20 or delinquent or who are at risk of becoming undisciplined or
21 delinquent.
- 22 (2) Evaluate State and local programs that provide prevention and
23 rehabilitation services to juveniles who have been adjudicated
24 undisciplined or delinquent or who are at risk of becoming
25 undisciplined or delinquent.
- 26 (3) Review the diversion programs within the Department of Juvenile
27 Justice and Delinquency Prevention.

- 1 (4) Evaluate and recommend changes to the education system within the
2 juvenile facilities.
- 3 (5) Collect data on, and develop a comprehensive database relating to,
4 juveniles who have been adjudicated delinquent or undisciplined or
5 who are at risk of becoming delinquent or undisciplined, which may be
6 used to facilitate both short- and long-range planning for services for
7 those juveniles, including for the delivery of services.
- 8 (6) Review the use of funds awarded as grants by the State and local
9 Juvenile Crime Prevention Councils.
- 10 (7) Collect data on and measure the proportion of African-Americans and
11 other racial and ethnic minorities in the juvenile justice system,
12 including the racial and ethnic minorities who are adjudicated
13 delinquent and placed in the custody of the Department of Juvenile
14 Justice and Delinquency Prevention. If the Commission finds that
15 there is a disproportionate participation of African-Americans or other
16 racial or ethnic minorities in the juvenile justice system, the
17 Commission shall study, evaluate, and recommend actions to eliminate
18 the disproportionate participation of those minorities in the juvenile
19 justice system. The Commission shall also track corrective actions or
20 measures adopted pursuant to recommendation of the Commission.
- 21 (8) Study, evaluate, and recommend changes to the North Carolina
22 General Statutes relating to juvenile justice.
- 23 (9) Study, evaluate, and recommend action regarding reports received by
24 the Commission.
- 25 (10) Study, evaluate, and recommend any changes proposed for future
26 development of the juvenile justice system of the State.

27 **§ 120-282. Commission membership; terms; vacancies.**

28 The North Carolina Study Commission on Juvenile Justice shall consist of 17
29 members as follows:

- 30 (1) The Secretary of the Department of Juvenile Justice and Delinquency
31 Prevention or that person's designee shall serve ex officio as a
32 nonvoting member.
- 33 (2) Eight members appointed by the General Assembly upon the
34 recommendation of the President Pro Tempore of the Senate, five
35 being members of the Senate at the time of their appointment and at
36 least two being persons who are part of the juvenile justice system on
37 the State or local level.
- 38 (3) Eight members appointed by the General Assembly upon the
39 recommendation of the Speaker of the House of Representatives, five
40 being members of the House of Representatives at the time of their
41 appointment and at least two being persons who are part of the
42 juvenile justice system on the State or local level.

43 Any vacancy shall be filled by the appointing authority that made the initial
44 appointment. The appointing authority shall fill the vacancy by appointing a person

1 having the same qualifications. All initial appointments shall be made within one
2 calendar month from the effective date of this Article. Members' terms shall last for two
3 years. Members may be reappointed for two consecutive terms and may be appointed
4 again after having been off the Commission for two years.

5 **"§ 120-283. Commission meetings.**

6 The Commission shall have its initial meeting no later than January 1, 2008, at the
7 call of the President of the Senate and the Speaker of the House of Representatives. The
8 President Pro Tempore of the Senate and the Speaker of the House of Representatives
9 shall appoint a cochair each from the membership of the Commission. The Commission
10 shall meet at least once a quarter and may meet at other times upon the call of the
11 cochairs. A majority of the members of the Commission shall constitute a quorum for
12 the transaction of business. The affirmative vote of a majority of the members present at
13 meetings of the Commission shall be necessary for action to be taken by the
14 Commission.

15 **"§ 120-284. Member reimbursement.**

16 The Commission members shall receive no salary as a result of serving on the
17 Commission but shall receive necessary subsistence and travel expenses in accordance
18 with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

19 **"§ 120-285. Public hearings.**

20 The Commission may hold public meetings across the State to solicit public input
21 with respect to issues related to juvenile justice in North Carolina.

22 **"§ 120-286. Assistance from other agencies.**

23 The Commission may obtain information and data from all State officers, agents,
24 agencies, and departments, while in discharge of its duties, pursuant to the provisions of
25 G.S. 120-19, as if it were a committee of the General Assembly. The Commission may
26 also call witnesses, compel testimony relevant to any matter properly before the
27 Commission, and subpoena records and documents, provided that any patient record
28 shall have patient identifying information removed. The provisions of G.S. 120-19.1
29 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it were a
30 joint committee of the General Assembly. In addition to the other signatures required
31 for the issuance of a subpoena under this section, the subpoena shall also be signed by
32 the cochairs of the Commission. Any cost of providing information to the Commission
33 not covered by G.S. 120-19.3 may be reimbursed by the Commission from funds
34 appropriated to it for its continuing study.

35 **"§ 120-287. Commission subcommittees.**

36 The Commission cochairs may establish subcommittees for the purpose of making
37 special studies pursuant to the Commission's duties and may appoint members who are
38 not members of the Commission to serve on each subcommittee as resource persons.
39 Resource persons shall be voting members of the subcommittee and shall receive
40 subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6, as
41 applicable.

42 **"§ 120-288. Commission reports.**

1 The Commission shall report to the General Assembly and the Governor the results
2 of its study and recommendations. A written report shall be submitted to each biennial
3 session of the General Assembly at its convening.

4 **"§ 120-289. Commission staff and meeting place.**

5 The Commission may contract for clerical or professional staff or for any other
6 services it may require in the course of its ongoing study. At the request of the
7 Commission, the Legislative Services Commission may supply members of the staff of
8 the Legislative Services Office and clerical assistance to the Commission as the
9 Legislative Services Commission considers appropriate.

10 The Commission may, with the approval of the Legislative Services Commission,
11 meet in the State Legislative Building or the Legislative Office Building."

12 **SECTION 2.** G.S. 120-70.94 reads as rewritten:

13 **"§ 120-70.94. Purpose and powers of Committee.**

14 (a) ~~The Joint Legislative Corrections, Crime Control, and Juvenile Justice~~
15 ~~Corrections and Crime Control Oversight Committee shall examine, on a continuing~~
16 ~~basis, the correctional, law enforcement, and juvenile justice~~ correctional and law
17 enforcement systems in North Carolina, in order to make ongoing recommendations to
18 the General Assembly on ways to improve those systems and to assist those systems in
19 realizing their objectives of protecting the public and of punishing and rehabilitating
20 offenders. In this examination, the Committee shall:

21 (1) ~~Study the budget, programs, and policies of the Departments of~~
22 ~~Correction, Crime Control and Public Safety, and Juvenile Justice and~~
23 ~~Delinquency Prevention~~ Correction and Crime Control and Public
24 Safety to determine ways in which the General Assembly may
25 improve the effectiveness of those Departments;

26 (2) Examine the effectiveness of the Department of Correction in
27 implementing the public policy stated in G.S. 148-26 of providing
28 work assignments and employment for inmates as a means of reducing
29 the cost of maintaining the inmate population while enabling inmates
30 to acquire or retain skills and work habits needed to secure honest
31 employment after their release;

32 (2a) Examine the effectiveness of the Department of Crime Control and
33 Public Safety in implementing the duties and responsibilities charged
34 to the Department in G.S. 143B-474 and the overall effectiveness and
35 efficiency of law enforcement in the State; and

36 ~~(2b) Examine the effectiveness of the Department of Juvenile Justice and~~
37 ~~Delinquency Prevention in implementing the duties and~~
38 ~~responsibilities charged to the Department in Article 12 of Chapter~~
39 ~~143B of the General Statutes and the overall effectiveness and~~
40 ~~efficiency of the juvenile justice system in the State; and~~

41 (3) Study any other matters that the Committee considers necessary.

42 (b) The Committee may make interim reports to the General Assembly on
43 matters for which it may report to a regular session of the General Assembly. A report

1 to the General Assembly may contain any legislation needed to implement a
2 recommendation of the Committee."

3 **SECTION 3.** The Revisor of Statutes shall substitute the term "Joint
4 Legislative Corrections and Crime Control Oversight Committee" for the term "Joint
5 Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee"
6 everywhere that term appears in the General Statutes, except for the section of the
7 General Statutes amended in this act.

8 **SECTION 4.** Part 7 of Article 12 of Chapter 143B of the General Statutes,
9 G.S. 143B-556 and G.S. 143B-557, is repealed. G.S. 143B-515(20) is repealed.

10 **SECTION 5.** G.S. 143B-516(f) reads as rewritten:

11 "(f) The Department shall develop a cost-benefit model for each State-funded
12 program. Program commitment and recidivism rates shall be components of the model.
13 ~~In developing the model, the Department shall consider the recommendations of the~~
14 ~~State Advisory Council on Juvenile Justice and Delinquency Prevention."~~

15 **SECTION 6.** This act is effective when it becomes law.