

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1713

Short Title: Study Racial Disparities in Juvenile System. (Public)

Sponsors: Representatives Bryant, Wainwright (Primary Sponsors); Alexander, Carney, Cotham, Faison, Glazier, Harrison, Pierce, Ross, Samuelson, Womble, and Wray.

Referred to: Juvenile Justice, if favorable, Judiciary I.

April 19, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON
3 THE ELIMINATION OF RACIAL DISPARITIES IN THE JUVENILE JUSTICE
4 SYSTEM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** There is established the Joint Legislative Study Commission
7 on the Elimination of Racial Disparities in the Juvenile Justice System. The
8 Commission shall consist of 16 members appointed as follows:

- 9 (1) Eight members of the House of Representatives appointed by the
10 Speaker of the House of Representatives.
11 (2) Eight members of the Senate appointed by the President Pro Tempore
12 of the Senate.

13 The Speaker of the House of Representatives and the President Pro Tempore
14 of the Senate shall each appoint a cochair for the Commission. The appointing authority
15 shall fill vacancies. The Commission shall meet upon the call of the cochairs.

16 **SECTION 2.** The Commission shall study the root causes of, and the best
17 practices needed to eliminate, the racial disparities in the juvenile justice system that
18 negatively impact African-American children and other racial and ethnic minorities and
19 their families. In connection with this study, the Commission shall:

- 20 (1) Clarify, document, and report on the nature of the disparities that
21 impact African-American children and other racial and ethnic
22 minorities and their families in the juvenile justice system, including
23 disparities in initial contacts and referrals, diversions, adjudications,
24 program services, commitments, and detention.
25 (2) Document the effectiveness of current efforts by the Department of
26 Juvenile Justice and Delinquency Prevention to eliminate racial

- 1 disparities that affect African-American children and other racial and
2 ethnic minorities.
- 3 (3) Clarify and document the impact and interconnection between at-risk
4 students, disciplinary actions, suspensions, and expulsions in the
5 public and private schools and in the juvenile justice system.
- 6 (4) Identify reliable methods to identify the societal influences that have a
7 negative impact on juveniles who have been adjudicated delinquent or
8 undisciplined or who are at risk of becoming delinquent or
9 undisciplined, especially African-American children and other racial
10 and ethnic minorities, along with methods to provide those juveniles
11 and their families with effective services and resources that will
12 prevent involvement with the juvenile justice system in terms of
13 adjudications and detention.
- 14 (5) Identify the best practices to interrupt and eliminate the racial disparity
15 in initial contacts, referrals, diversions, commitments, adjudications,
16 detention, community program utilization, and program success rates
17 along with success rates at other key decision points in the juvenile
18 justice process and develop proposals to accomplish those practices.
- 19 (6) Identify best practices and programs for providing family support
20 services for racial and ethnic minorities to eliminate racial and ethnic
21 disparities.
- 22 (7) Identify any correlation between the race of staff and service providers
23 and the outcomes for children and identify what types of training
24 would be most effective for which types of staff in eliminating racial
25 and ethnic disparities for children and their families.
- 26 (8) Develop proposals regarding the best practices for eliminating racial
27 and ethnic disparities in the juvenile justice system and the costs and
28 feasibility of implementing programs to eliminate those disparities.
- 29 (9) Document the measures of racial and ethnic disparities by staff
30 members and counties and any other methods that will be helpful to
31 identify elimination focus areas and strategies.
- 32 (10) Document the measures needed to track the accountability for, and
33 success of, identified strategies and practices to eliminate racial and
34 ethnic disparities in the juvenile justice system.
- 35 (11) Identify the critical success factors for Juvenile Crime Prevention
36 Councils and for the collaboration between law enforcement, the
37 Judicial Department, the Department of Juvenile Justice and
38 Delinquency Prevention, community-based and faith-based
39 organizations, service providers, and educators for eliminating racial
40 disparities in the juvenile justice system that negatively impact racial
41 and ethnic minorities and their families.
- 42 (12) Identify the legislative, policy, appropriations, and regulatory changes
43 that will be necessitated by the recommendations from this study.

1 In conducting the study, the Commission shall consult with the North
2 Carolina Sentencing and Policy Advisory Commission and with the Joint Legislative
3 Study Committee on High School Graduation and Drop Out Rates and the Task Force
4 for Juvenile Justice Administration, if established by the 2007 General Assembly.

5 **SECTION 3.** The Commission may contract for consultant services as
6 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
7 the Legislative Services Officer shall assign professional and clerical staff to assist in
8 the work of the Commission. Clerical staff shall be furnished to the Commission
9 through the offices of the House of Representatives' and the Senate's Directors of
10 Legislative Assistants. The Commission may meet in the Legislative Building or the
11 Legislative Office Building upon the approval of the Legislative Services Commission.
12 Members of the Commission shall receive per diem, subsistence, and travel allowances
13 at the rate established in accordance with G.S. 120-3.1. The Commission, while in the
14 discharge of its official duties, may exercise all the powers provided under the
15 provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the
16 power to request all officers, agents, agencies, and departments of the State to provide
17 any information, data, or documents within their possession, ascertainable from their
18 records, or otherwise available to them, and the power to subpoena witnesses.

19 **SECTION 4.** The Commission may make an interim report of its findings,
20 conclusions, and recommendations, including any legislative proposal, to the General
21 Assembly by the convening of the 2008 Regular Session of the 2007 General Assembly
22 and shall make its final report to the 2009 General Assembly by January 31, 2009. The
23 Commission shall expire on January 31, 2009, or upon filing its final report, whichever
24 occurs earlier.

25 **SECTION 5.** Of the funds appropriated to the General Assembly, the
26 Legislative Services Commission shall allocate funds for the expenses of the
27 Commission established by this act.

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