

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1078*

Short Title: Juvenile Jurisdiction to Age 18 Years. (Public)

Sponsors: Senators Kinnaird; and Nesbitt.

Referred to: Judiciary I (Civil).

March 22, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE DELINQUENT JUVENILE AS A JUVENILE WHO IS
3 BETWEEN SIX YEARS OF AGE AND EIGHTEEN YEARS OF AGE AND WHO
4 COMMITS A CRIME OR INFRACTION AND TO ESTABLISH THE TASK
5 FORCE FOR JUVENILE JUSTICE ADMINISTRATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7B-1501(7) reads as rewritten:

8 "(7) Delinquent juvenile. —~~Any juvenile who, while less than 16 years of~~
9 ~~age but at least 6 years of age, commits a crime or infraction under~~
10 ~~State law or under an ordinance of local government, including~~
11 ~~violation of the motor vehicle laws.~~

12 a. Any juvenile who, while less than 16 years of age but at least
13 six years of age, commits a crime or infraction under State law
14 or under an ordinance of local government, including violation
15 of the motor vehicle laws.

16 b. Any juvenile who is 16 or 17 years of age and who commits a
17 crime or infraction under State law or under an ordinance of
18 local government, but not including violation of motor vehicle
19 laws."

20 **SECTION 2.** G.S. 143B-515(7) reads as rewritten:

21 "(7) Delinquent juvenile. —~~Any juvenile who, while less than 16 years of~~
22 ~~age but at least 6 years of age, commits a crime or infraction under~~
23 ~~State law or under an ordinance of local government, including~~
24 ~~violation of the motor vehicle laws.~~

25 a. Any juvenile who, while less than 16 years of age but at least
26 six years of age, commits a crime or infraction under State law
27 or under an ordinance of local government, including violation
28 of the motor vehicle laws.

1 b. Any juvenile who is 16 or 17 years of age and who commits a
2 crime or infraction under State law or under an ordinance of
3 local government, but not including violation of motor vehicle
4 laws."

5 **SECTION 3.** G.S. 7B-1601 reads as rewritten:

6 **"§ 7B-1601. Jurisdiction over delinquent juveniles.**

7 (a) The court has exclusive, original jurisdiction over any case involving a
8 juvenile who is alleged to be delinquent. For purposes of determining jurisdiction, the
9 age of the juvenile at the time of the alleged offense governs.

10 (b) When the court obtains jurisdiction over a juvenile alleged to be delinquent,
11 jurisdiction shall continue until terminated by order of the court or until the juvenile
12 reaches the age of 18 years, except as provided otherwise in this Article.

13 (c) When delinquency proceedings cannot be concluded before the juvenile
14 reaches the age of 18 years, the court retains jurisdiction for the sole purpose of
15 conducting proceedings pursuant to Article 22 of this Chapter and either transferring the
16 case to superior court for trial as an adult or dismissing the petition.

17 (d) When the court has not obtained jurisdiction over a juvenile before the
18 juvenile reaches the age of 18, for a felony and any related misdemeanors the juvenile
19 allegedly committed on or after the juvenile's thirteenth birthday and prior to the
20 juvenile's ~~sixteenth~~ eighteenth birthday, the court has jurisdiction for the sole purpose
21 of conducting proceedings pursuant to Article 22 of this Chapter and either transferring
22 the case to superior court for trial as an adult or dismissing the petition.

23 (e) The court has jurisdiction over delinquent juveniles in the custody of the
24 Department and over proceedings to determine whether a juvenile who is under the
25 post-release supervision of the juvenile court counselor has violated the terms of the
26 juvenile's post-release supervision.

27 (f) The court has jurisdiction over persons 18 years of age or older who are under
28 the extended jurisdiction of the juvenile court.

29 (g) The court has jurisdiction over the parent, guardian, or custodian of a juvenile
30 who is under the jurisdiction of the court pursuant to this section if the parent, guardian,
31 or custodian has been served with a summons pursuant to G.S. 7B-1805."

32 **SECTION 4.** G.S. 7B-1604 reads as rewritten:

33 **"§ 7B-1604. Limitations on juvenile court jurisdiction.**

34 (a) Any juvenile, including a juvenile who is under the jurisdiction of the court,
35 who commits a criminal offense on or after the juvenile's ~~sixteenth~~ eighteenth birthday
36 is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted
37 as an adult for the commission of a criminal offense.

38 (b) A juvenile who is transferred to and convicted in superior court shall be
39 prosecuted as an adult for any criminal offense the juvenile commits after the superior
40 court conviction."

41 **SECTION 5.(a)** Task Force Established. – There is established the Task
42 Force for Juvenile Justice Administration within the Office of the Governor. The Office
43 of the Governor shall provide professional and clerical staff and other services and

1 supplies, including meeting space, as needed for the Task Force to carry out its duties in
2 an effective manner.

3 **SECTION 5.(b)** Membership. – The Task Force shall consist of 17
4 members. The following members or their designees shall serve as ex officio members:

- 5 (1) The Secretary of the Department of Juvenile Justice and Delinquency
6 Prevention.
- 7 (2) The Director of the Administrative Office of the Courts.
- 8 (3) The Secretary of the Department of Health and Human Services.
- 9 (4) The Secretary of the Department of Correction.
- 10 (5) The Secretary of the Department of Crime Control and Public Safety.
- 11 (6) The Superintendent of Public Instruction.
- 12 (7) The Executive Director of the North Carolina Human Relations
13 Commission of the Department of Administration.

14 The remaining members shall be appointed as follows:

- 15 (1) Three persons appointed by the General Assembly, upon
16 recommendation of the Speaker of the House of Representatives.
- 17 (2) Three persons appointed by the General Assembly, upon
18 recommendation of the President Pro Tempore of the Senate.
- 19 (3) One juvenile court counselor, appointed by the Governor.
- 20 (4) One representative from the Governor's Crime Commission, appointed
21 by the Governor.
- 22 (5) One representative from the North Carolina Sentencing and Policy
23 Advisory Commission, appointed by the Governor.
- 24 (6) One representative from the North Carolina Human Relations
25 Commission of the Department of Administration, appointed by the
26 Governor.

27 Appointments to the Task Force shall be made no later than September 1,
28 2007. A vacancy in the Task Force or as chair of the Task Force resulting from the
29 resignation of a member or otherwise shall be filled in the same manner in which the
30 original appointment was made.

31 **SECTION 5.(c)** Duties of Task Force. – The Task Force shall study issues
32 related to juvenile justice administration and shall analyze the legal, systematic, and
33 organizational impact of expanding the jurisdiction of the Department of Juvenile
34 Justice and Delinquency Prevention to include persons 16 and 17 years of age who
35 commit crimes or infractions under State law or under an ordinance of local
36 government. In particular, the Task Force shall:

- 37 (1) Identify the costs to the State court system and State and local law
38 enforcement.
- 39 (2) Review the relevant State laws that should be conformed or amended
40 as a result of revising the definition of delinquent juvenile to include
41 16- and 17-year-old persons, including the motor vehicle and criminal
42 laws, the laws regarding expunction of criminal records, and other
43 juvenile laws. The Task Force shall make recommendations to the
44 General Assembly regarding proposed legislative amendments.

1 (3) Identify best practices and develop proposals to eliminate the racial
2 disparity in complaints, commitments, community program
3 availability, utilization and success rates, and other key decision and
4 impact points in the juvenile justice process.

5 (4) Develop proposals regarding community programs that would provide
6 rehabilitative services to juveniles in a treatment-oriented environment
7 and incorporate best practices as recommended in subdivision (3) of
8 this subsection.

9 (5) Determine the total cost of expanding the jurisdiction of the
10 Department of Juvenile Justice and Delinquency Prevention to include
11 persons who are 16 and 17 years of age who commit crimes or
12 infractions under State law or under an ordinance of local government.

13 **SECTION 5.(d)** Consultation. – The Task Force shall consult with
14 appropriate State departments, agencies, and board representatives on issues related to
15 juvenile justice administration.

16 **SECTION 5.(e)** Report. – The Task Force shall submit an interim report to
17 the 2008 Regular Session of the 2007 General Assembly and shall submit a final report
18 of its findings and recommendations, including legislative, administrative, and funding
19 recommendations, by January 15, 2009, to the General Assembly, the Governor, and the
20 citizens of the State.

21 The Task Force shall terminate upon filing its final report.

22 **SECTION 5.(f)** Expenses of Members. – Members of the Task Force shall
23 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
24 138-5, or 138-6, as appropriate.

25 **SECTION 5.(g)** Chair; Meetings. – The President Pro Tempore of the
26 Senate and the Speaker of the House of Representatives shall each designate one
27 member to serve as cochair of the Task Force.

28 The cochairs shall call the initial meeting of the Task Force on or before
29 October 1, 2007. The Task Force shall subsequently meet upon such notice and in such
30 manner as its members determine. A majority of the members of the Task Force shall
31 constitute a quorum.

32 **SECTION 5.(h)** The Office of the Governor shall provide staff to the Task
33 Force at the request of the Task Force.

34 **SECTION 5.(i)** Cooperation by Government Agencies. – The Task Force
35 may call upon any department, agency, institution, or officer of the State or any political
36 subdivision thereof for facilities, data, or other assistance.

37 **SECTION 5.(j)** Funding. – The Task Force may apply for, receive, and
38 accept grants of non-State funds, or other contributions as appropriate to assist in the
39 performance of its duties.

40 **SECTION 6.** Sections 1 through 4 of this act become effective December 1,
41 2009, and apply to acts or offenses committed on or after that date. The remainder of
42 this act is effective when it becomes law.