

March 26, 2009

S 984. ACCESS TO JUVENILE RECORDS/VIOLENT OFFENDERS. Filed 3/25/09. *AMENDING THE JUVENILE CODE REGARDING ACCESS TO AND USE OF JUVENILE COURT RECORDS WHEN THE INDIVIDUAL IS LATER CHARGED AS AN ADULT IN A CRIMINAL PROCEEDING.*

Amends GS 7B-3000(a) to provide that the juvenile record includes a juvenile record sheet. Defines a juvenile record sheet as a list of a juvenile's delinquency adjudications occurring within 18 months after the juvenile is 16 years of age for an offense that would be a Class A-1 misdemeanor or a felony if committed by an adult. Specifies other information that may be included on the juvenile record sheet. Enacts GS 7B-3000(b1) providing that magistrates and law enforcement officers may obtain copies of a juvenile's record sheet without a court order, for specified purposes in proposed GS 7B-300a. Repeals GS 7B-3000(e) and (f) to make conforming changes. Amends the definition of the term prosecutor in GS 7B-1501(23) to include the district attorney or an assistant district attorney. Makes conforming changes. Enacts a provision in GS 7B-3001(c) stating that after a complaint has been approved for filing as a petition, the juvenile court counselor may share with the prosecutor any records or information the prosecutor deems necessary to represent the State at any stage of the delinquency proceeding. Enacts GS 7B-3002 providing that a juvenile's record sheet and the information in it may be used by law enforcement, magistrates, the courts, and prosecutors for pretrial release, and pleas in criminal cases involving a Class A-1 misdemeanor or a felony. The juvenile's record of an adjudication of delinquency for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult may be used in a subsequent criminal proceeding against the juvenile either under evidence rule 404(b), or to prove an aggravating factor at sentencing. The record may be so used only by order of the court in the subsequent criminal proceeding, upon motion of the prosecutor, after an in camera hearing to determine whether the record in question is admissible. Effective December 1, 2009, and applies to offenses committed on or after that date.

Intro. by McKissick.

GS 7B

May 7, 2009

S 984. ACCESS TO JUVENILE RECORDS/VIOLENT OFFENDERS. Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition. Provides that any juvenile record sheet obtained pursuant to GS 7B-3000(b1) shall continue to be withheld from public inspection and shall not become part of the public record in any criminal proceeding. Removes the amendment to GS 7B-2001(c) which would have permitted a juvenile court counselor to share with the prosecutor any records or information the prosecutor deems necessary to represent the state at any stage of the juvenile delinquency proceeding. Requires juvenile record sheets created in GS 7B-1501, as amended, to contain adjudications of delinquency occurring prior to the December 1, 2009, effective date of the act, but provides that such sheets may only be accessed and used for offenses committed on or after December 1, 2009. Makes technical and stylistic changes.

August 4, 2009

S 984. ACCESS TO JUVENILE RECORDS/VIOLENT OFFENDERS. Filed 3/25/09. House committee substitute makes the following changes to 2nd edition. Changes title to *AN ACT*

AMENDING THE JUVENILE CODE REGARDING ACCESS TO JUVENILE COURT RECORDS. Eliminates the addition of the term *juvenile record sheet* to the definitions in GS 7B-1501 and subsequent references to this term. Under GS 7B-3000, adds the juvenile's attorney to the persons authorized to examine the juvenile's court record without a court order, adds language permitting the use of juvenile records of certain defendants in plea negotiations, and eliminates the deletion of subsection providing that the use of certain juvenile records in subsequent criminal proceedings if a court so orders. Under GS 7B-3001, adds the juvenile's attorney to the persons authorized to examine the juvenile's court record without a court order. Eliminates new GS 7B-3002 concerning the use of juvenile court record proceedings and related references in GS 7B-3000. Amends GS 7B-2411 to require that a written order of adjudication include the date of the offense, the classification of the offense, and the date of adjudication. The amendments to GS 7B-3000 concerning the use of juvenile records in certain plea negotiations become effective December 1, 2009, and apply to offenses committed on or after that date. The amendments to GS 7B-2411 become effective December 1, 2009 and apply to adjudications of delinquency entered on or after that date. The remainder of this act becomes effective December 1, 2009.

September 1, 2009

SL 2009-545 (S 984). ACCESS TO JUVENILE RECORDS/VIOLENT OFFENDERS. AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO JUVENILE COURT RECORDS. Summarized in *Daily Bulletin* 3/26/09, 5/7/09, and 8/4/09. Enacted August 28, 2009. Effective December 1, 2009.