

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

3

SENATE BILL 434  
Judiciary I Committee Substitute Adopted 4/19/11  
House Committee Substitute Favorable 6/20/12

Short Title: Juvenile Age to 18.

(Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD FOR SIXTEEN-AND SEVENTEEN-YEAR-OLDS ALLEGED TO HAVE COMMITTED A MISDEMEANOR, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Effective July 1, 2016, G.S. 7B-1501(7) reads as rewritten:

"(7) Delinquent juvenile. –

a. Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in ~~G.S. 5A-31~~G.S. 5A-31; or

b. Any juvenile who, while less than 16 years and six months of age but at least 16 years of age, commits a misdemeanor or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31."

**SECTION 1.(b)** Effective July 1, 2017, G.S. 7B-1501(7) reads as rewritten:

"(7) Delinquent juvenile. –

a. Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31; or

b. Any juvenile who, while less than ~~16 years and six months~~17 years of age but at least 16 years of age, commits a misdemeanor or infraction under State law or under an ordinance of local



1 government, excluding violation of the motor vehicle laws, or who  
2 commits indirect contempt by a juvenile as defined in G.S. 5A-31."

3 **SECTION 1.(c)** Effective July 1, 2018, G.S. 7B-1501(7) reads as rewritten:

4 "(7) Delinquent juvenile. –

- 5 a. Any juvenile who, while less than 16 years of age but at least 6 years  
6 of age, commits a crime or infraction under State law or under an  
7 ordinance of local government, including violation of the motor  
8 vehicle laws, or who commits indirect contempt by a juvenile as  
9 defined in G.S. 5A-31; or
- 10 b. Any juvenile who, while less than 17 years and six months of age but  
11 at least 16 years of age, commits a misdemeanor or infraction under  
12 State law or under an ordinance of local government, excluding  
13 violation of the motor vehicle laws, or who commits indirect  
14 contempt by a juvenile as defined in G.S. 5A-31."

15 **SECTION 1.(d)** Effective July 1, 2019, G.S. 7B-1501(7) reads as rewritten:

16 "(7) Delinquent juvenile. –

- 17 a. Any juvenile who, while less than 16 years of age but at least 6 years  
18 of age, commits a crime or infraction under State law or under an  
19 ordinance of local government, including violation of the motor  
20 vehicle laws, or who commits indirect contempt by a juvenile as  
21 defined in G.S. 5A-31; or
- 22 b. Any juvenile who, while less than ~~17 years and six months~~ 18 years  
23 of age but at least 16 years of age, commits a misdemeanor or  
24 infraction under State law or under an ordinance of local  
25 government, excluding violation of the motor vehicle laws, or who  
26 commits indirect contempt by a juvenile as defined in G.S. 5A-31."

27 **SECTION 2.** Effective July 1, 2016, G.S. 7B-1501(11) reads as rewritten:

28 "(11) Holdover facility. – A place located in a jail-jail, which has been approved  
29 by the Department of Health and Human Services as meeting the State  
30 standards for ~~detention~~ the operation of local confinement facilities, as  
31 required in ~~G.S. 153A-221~~ G.S. 153A-221, providing close supervision  
32 where ~~the a~~ juvenile cannot converse with, see, or be seen by the adult  
33 population."

34 **SECTION 3.(a)** Effective July 1, 2016, G.S. 7B-1601 reads as rewritten:

35 "**§ 7B-1601. Jurisdiction over delinquent juveniles.**

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

39 (b) When the court obtains jurisdiction over a juvenile alleged to be  
40 ~~delinquent~~ delinquent for an offense committed prior to the juvenile reaching the age of 16  
41 years, jurisdiction shall continue until terminated by order of the court or until the juvenile  
42 reaches the age of 18 years, except as provided otherwise in this Article.

43 (b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an  
44 offense that would be a misdemeanor offense if committed by an adult and the offense was  
45 committed while the juvenile was at least 16 years of age, jurisdiction shall continue until  
46 terminated by order of the court or until the juvenile reaches the age of 19 years.

47 (c) When delinquency ~~proceedings~~ proceedings, for a juvenile alleged to be delinquent  
48 for an offense committed prior to the juvenile reaching the age of 16 years, cannot be  
49 concluded before the juvenile reaches the age of 18 years, the court retains jurisdiction for the  
50 sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either  
51 transferring the case to superior court for trial as an adult or dismissing the petition.

1       (c1) When delinquency proceedings, for a juvenile alleged to be delinquent for an  
2 offense committed while the juvenile was at least 16 years of age, cannot be concluded before  
3 the juvenile reaches the age of 19 years, the court retains jurisdiction for the sole purpose of  
4 dismissing the petition.

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

11       (e) The court has jurisdiction over delinquent juveniles in the custody of the Division  
12 and over proceedings to determine whether a juvenile who is under the post-release supervision  
13 of the juvenile court counselor has violated the terms of the juvenile's post-release supervision.

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

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

19       **SECTION 3.(b)** Effective July 1, 2018, G.S. 7B-1601(b1) reads as rewritten:

20       "(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an  
21 offense that would be a misdemeanor offense if committed by an adult and the offense was  
22 committed while the juvenile was at least 16 years of ~~age,age~~ but less than 17 years of age,  
23 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the  
24 age of 19 years. If the offense was committed while the juvenile was at least 17 years of age,  
25 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the  
26 age of 20 years."

27       **SECTION 3.(c)** Effective July 1, 2018, G.S. 7B-1601(c1) reads as rewritten:

28       "(c1) When delinquency proceedings, for a juvenile alleged to be delinquent for an  
29 offense committed while the juvenile was at least 16 years of ~~age,age~~ but less than 17 years of  
30 age, cannot be concluded before the juvenile reaches the age of 19 years, the court retains  
31 jurisdiction for the sole purpose of dismissing the petition. When delinquency proceedings, for  
32 a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 17  
33 years of age, cannot be concluded before the juvenile reaches the age of 20 years, the court  
34 retains jurisdiction for the sole purpose of dismissing the petition."

35       **SECTION 4.(a)** Effective July 1, 2016, G.S. 7B-1604 reads as rewritten:

36       "**§ 7B-1604. Limitations on juvenile court jurisdiction.**

37       (a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who  
38 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~ juvenile has reached the  
39 age of 16 years and six months is subject to prosecution as an adult. A juvenile who is  
40 emancipated shall be prosecuted as an adult for the commission of a criminal offense.

41       (b) A juvenile (i) who is transferred to and convicted in superior court ~~court~~ or (ii) who  
42 has previously been convicted in either district or superior court for a felony, including a  
43 violation of the motor vehicle laws under State law shall be prosecuted as an adult for any  
44 criminal offense the juvenile commits after the district or superior court conviction."

45       **SECTION 4.(b)** Effective July 1, 2017, G.S. 7B-1604(a) reads as rewritten:

46       "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who  
47 commits a criminal offense on or after the juvenile has reached the age of ~~16 years and six~~  
48 ~~months~~ 17 years is subject to prosecution as an adult. A juvenile who is emancipated shall be  
49 prosecuted as an adult for the commission of a criminal offense."

50       **SECTION 4.(c)** Effective July 1, 2018, G.S. 7B-1604(a) reads as rewritten:

1       "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who  
2 commits a criminal offense on or after the juvenile has reached the age of 17 years and six  
3 months is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted  
4 as an adult for the commission of a criminal offense."

5           **SECTION 4.(d)** Effective July 1, 2019, G.S. 7B-1604(a) reads as rewritten:

6       "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who  
7 commits a criminal offense on or after the juvenile has reached the age of ~~17 years and six~~  
8 ~~months~~ 18 years is subject to prosecution as an adult. A juvenile who is emancipated shall be  
9 prosecuted as an adult for the commission of a criminal offense."

10           **SECTION 5.** Effective July 1, 2016, G.S. 7B-2506 reads as rewritten:

11       "**§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

12       The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may  
13 use the following alternatives in accordance with the dispositional structure set forth in  
14 G.S. 7B-2508:

15           (1) In the case of any juvenile under the age of 18 years who needs more  
16 adequate care or supervision or who needs placement, the judge may:

17           ...

18           (2) Excuse ~~the a~~ juvenile under the age of 16 years from compliance with the  
19 compulsory school attendance law when the court finds that suitable  
20 alternative plans can be arranged by the family through other community  
21 resources for one of the following:

22           a. An education related to the needs or abilities of the juvenile  
23 including vocational education or special education;

24           b. A suitable plan of supervision or placement; or

25           c. Some other plan that the court finds to be in the best interests of the  
26 juvenile.

27           (3) Order the juvenile to cooperate with a community-based program, an  
28 intensive substance abuse treatment program, or a residential or  
29 nonresidential treatment program. ~~Participation in the programs shall not~~  
30 ~~exceed 12 months.~~

31           ...."

32           **SECTION 6.** Effective July 1, 2016, G.S. 7B-2507 reads as rewritten:

33       "**§ 7B-2507. Delinquency history levels.**

34       (a) Generally. – The delinquency history level for a delinquent juvenile is determined  
35 by calculating the sum of the points assigned to each of the juvenile's prior adjudications or  
36 convictions and to the juvenile's probation status, if any, that the court finds to have been  
37 proved in accordance with this section.

38       (b) Points. – Points are assigned as follows:

39           (1) For each prior adjudication of a Class A through E felony offense, 4 points.

40           (2) For each prior adjudication of a Class F through I felony offense or Class A1  
41 misdemeanor offense, 2 points.

42           (2a) For each prior conviction of a Class A1 misdemeanor, excluding conviction  
43 for violation of the motor vehicle laws, 2 points.

44           (2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),  
45 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor  
46 death by vehicle (G.S. 20-141.4(a2)), 2 points.

47           (3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, 1  
48 point.

49           (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,  
50 excluding conviction for violation of the motor vehicle laws, 1 point.

51           (4) If the juvenile was on probation at the time of offense, 2 points.

1 No points shall be assigned for a prior adjudication that a juvenile is in direct contempt of  
2 court or indirect contempt of court.

3 (c) Delinquency History Levels. – The delinquency history levels are:

4 (1) Low – No more than 1 point.

5 (2) Medium – At least 2, but not more than 3 points.

6 (3) High – At least 4 points.

7 In determining the delinquency history level, the classification of a prior offense is the  
8 classification assigned to that offense at the time the juvenile committed the offense for which  
9 disposition is being ordered.

10 (d) Multiple Prior Adjudications or Convictions Obtained in One Court Session. – For  
11 purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent or  
12 convicted for more than one offense in a single session of district court, only the adjudication  
13 or conviction for the offense with the highest point total is used.

14 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. –  
15 Except as otherwise provided in this subsection, an adjudication or conviction occurring in a  
16 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in  
17 which the offense occurred classifies the offense as a felony, or is classified as a Class 3  
18 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a  
19 misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense  
20 classified as a felony in the other jurisdiction is substantially similar to an offense that is a  
21 misdemeanor in North Carolina, the adjudication or conviction is treated as that class of  
22 misdemeanor for assigning delinquency history level points. If the State proves by the  
23 preponderance of the evidence that an offense classified as either a misdemeanor or a felony in  
24 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as  
25 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for  
26 assigning delinquency history level points. If the State proves by the preponderance of the  
27 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially  
28 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication  
29 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level  
30 points.

31 (f) ~~Proof of Prior Adjudications.~~ Adjudications or Convictions. – A prior adjudication or  
32 conviction shall be proved by any of the following methods:

33 (1) Stipulation of the parties.

34 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication  
35 or conviction.

36 (3) A copy of records maintained by the Division of Criminal Information or by  
37 the Division.

38 (4) Any other method found by the court to be reliable.

39 The State bears the burden of proving, by a preponderance of the evidence, that a prior  
40 adjudication or conviction exists and that the juvenile before the court is the same person as the  
41 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of  
42 the court records or a copy of the records maintained by the Division of Criminal Information  
43 or of the Division, bearing the same name as that by which the juvenile is charged, is prima  
44 facie evidence that the juvenile named is the same person as the juvenile before the court, and  
45 that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a  
46 paper writing containing a reproduction of a record maintained electronically on a computer or  
47 other data processing equipment, and a document produced by a facsimile machine. The  
48 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full  
49 record. Evidence presented by either party at trial may be utilized to prove prior  
50 ~~adjudications.~~ adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish  
51 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time

1 sufficient to allow the juvenile to determine if the record available to the prosecutor is  
2 accurate."

3 **SECTION 7.(a)** Effective July 1, 2016, G.S. 7B-2513(a) reads as rewritten:

4 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent  
5 juvenile who is at least 10 years of age to the Division for placement in a youth development  
6 center. Commitment shall be for an indefinite term of at least six months.

7 (a1) In no event shall the term exceed: For an offense the juvenile committed prior to  
8 reaching the age of 16 years, the term shall not exceed:

9 (1) The twenty-first birthday of the juvenile if the juvenile has been committed  
10 to the Division for an offense that would be first-degree murder pursuant to  
11 G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual  
12 offense pursuant to G.S. 14-27.4 if committed by an adult;

13 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to  
14 the Division for an offense that would be a Class B1, B2, C, D, or E felony if  
15 committed by an adult, other than an offense set forth in subdivision (1) of  
16 this subsection; or

17 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to  
18 the Division for an offense other than an offense that would be a Class A,  
19 B1, B2, C, D, or E felony if committed by an adult.

20 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of  
21 age, the term shall not exceed the juvenile's 19th birthday.

22 (a3) Reserved.

23 (a4) No juvenile shall be committed to a youth development center beyond the minimum  
24 six-month commitment for a period of time in excess of the maximum term of imprisonment  
25 for which an adult in prior record level VI for felonies or in prior conviction level III for  
26 misdemeanors could be sentenced for the same offense, except when the Division pursuant to  
27 G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an  
28 additional period of time to continue care or treatment under the plan of care or treatment  
29 developed under subsection (f) of this section. At the time of commitment to a youth  
30 development center, the court shall determine the maximum period of time the juvenile may  
31 remain committed before a determination must be made by the Division pursuant to  
32 G.S. 7B-2515 and shall notify the juvenile of that determination."

33 **SECTION 7.(b)** Effective July 1, 2017, G.S. 7B-2513(a2) reads as rewritten:

34 "(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age  
35 but less than 17 years of age, the term shall not exceed the juvenile's 19th birthday."

36 **SECTION 7.(c)** Effective July 1, 2018, G.S. 7B-2513(a3) reads as rewritten:

37 "(a3) For an offense the juvenile committed while the juvenile was at least 17 years of  
38 age, the term shall not exceed the juvenile's 20th birthday."

39 **SECTION 8.** Effective July 1, 2016, G.S. 7B-2515(a) reads as rewritten:

40 "(a) In determining whether a juvenile who was committed to the Division for an offense  
41 that was committed prior to the juvenile reaching the age of 16 years should be released before  
42 the juvenile's 18th birthday, the Division shall consider the protection of the public and the  
43 likelihood that continued placement will lead to further rehabilitation. If the Division does not  
44 intend to release the juvenile who was committed for an offense that was committed prior to the  
45 juvenile reaching the age of 16 years prior to the juvenile's eighteenth birthday, or if the  
46 Division determines that the juvenile's commitment should be continued beyond the maximum  
47 commitment period as set forth in G.S. 7B-2513(a), G.S. 7B-2513(a1), the Division shall notify  
48 the juvenile and the juvenile's parent, guardian, or custodian in writing at least 30 days in  
49 advance of the juvenile's eighteenth birthday or the end of the maximum commitment period,  
50 of the additional specific commitment period proposed by the Division, the basis for extending  
51 the commitment period, and the plan for future care or treatment."

1           **SECTION 9.** Effective July 1, 2016, G.S. 7B-2603(b) reads as rewritten:

2           "(b) Once an order of transfer has been entered by the district court, the juvenile has the  
3 right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534.  
4 Pending release, the juvenile shall be detained pursuant to G.S. 7B-2204. The release order  
5 shall specify the person or persons to whom the juvenile may be released. Pending release, the  
6 court shall order that the juvenile be detained in a detention facility while awaiting trial. The  
7 court may order the juvenile to be held in a holdover facility as defined by G.S. 7B-1501 at any  
8 time the presence of the juvenile is required in court for pretrial hearings or trial, if the court  
9 finds that it would be inconvenient to return the juvenile to the detention facility."

10           **SECTION 10.(a)** Effective July 1, 2016, the introductory language of  
11 G.S. 5A-31(a) reads as rewritten:

12           "(a) Each of the following, when done by an unemancipated minor who (i) is at least six  
13 years of age, (ii) is not yet 16 years and six months of age, and (iii) has not been convicted of  
14 any crime in superior court, is contempt by a juvenile:"

15           **SECTION 10.(b)** Effective July 1, 2017, the introductory language of  
16 G.S. 5A-31(a) reads as rewritten:

17           "(a) Each of the following, when done by an unemancipated minor who (i) is at least six  
18 years of age, (ii) is not yet ~~16 years and six months~~ 17 years of age, and (iii) has not been  
19 convicted of any crime in superior court, is contempt by a juvenile:"

20           **SECTION 10.(c)** Effective July 1, 2018, the introductory language of  
21 G.S. 5A-31(a) reads as rewritten:

22           "(a) Each of the following, when done by an unemancipated minor who (i) is at least six  
23 years of age, (ii) is not yet 17 years and six months of age, and (iii) has not been convicted of  
24 any crime in superior court, is contempt by a juvenile:"

25           **SECTION 10.(d)** Effective July 1, 2019, the introductory language of  
26 G.S. 5A-31(a) reads as rewritten:

27           "(a) Each of the following, when done by an unemancipated minor who (i) is at least six  
28 years of age, (ii) is not yet ~~17 years and six months~~ 18 years of age, and (iii) has not been  
29 convicted of any crime in superior court, is contempt by a juvenile:"

30           **SECTION 11.(a)** Effective July 1, 2016, G.S. 5A-34(b) reads as rewritten:

31           "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions  
32 by a minor who:

- 33           (1) Is 16 years and six months of age or older;
- 34           (2) Is married or otherwise emancipated; or
- 35           (3) Before the act or omission, was convicted in superior court of any criminal  
36 offense."

37           **SECTION 11.(b)** Effective July 1, 2017, G.S. 5A-34(b) reads as rewritten:

38           "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions  
39 by a minor who:

- 40           (1) Is ~~16 years and six months~~ 17 years of age or older;
- 41           (2) Is married or otherwise emancipated; or
- 42           (3) Before the act or omission, was convicted in superior court of any criminal  
43 offense."

44           **SECTION 11.(c)** Effective July 1, 2018, G.S. 5A-34(b) reads as rewritten:

45           "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions  
46 by a minor who:

- 47           (1) Is 17 years and six months of age or older;
- 48           (2) Is married or otherwise emancipated; or
- 49           (3) Before the act or omission, was convicted in superior court of any criminal  
50 offense."

51           **SECTION 11.(d)** Effective July 1, 2019, G.S. 5A-34(b) reads as rewritten:

1       "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions  
2 by a minor who:

- 3       ~~(1) Is 17 years and six months of age or older;~~  
4       (2) Is married or otherwise emancipated; or  
5       (3) Before the act or omission, was convicted in superior court of any criminal  
6 offense."

7       **SECTION 12.(a)** Effective July 1, 2016, G.S. 143B-805(6) reads as rewritten:

8       "(6) Delinquent juvenile. –

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

13       b. Any juvenile who, while less than 16 years and six months of age but  
14 at least 16 years of age, commits a misdemeanor or infraction under  
15 State law or under an ordinance of local government, excluding  
16 violation of the motor vehicle laws."

17       **SECTION 12.(b)** Effective July 1, 2017, G.S. 143B-805(6) reads as rewritten:

18       "(6) Delinquent juvenile. –

19       a. Any juvenile who, while less than 16 years of age but at least 6 years  
20 of age, commits a crime or infraction under State law or under an  
21 ordinance of local government, including violation of the motor  
22 vehicle laws; or

23       b. Any juvenile who, while less than ~~16 years and six months~~ 17 years  
24 of age but at least 16 years of age, commits a misdemeanor or  
25 infraction under State law or under an ordinance of local  
26 government, excluding violation of the motor vehicle laws."

27       **SECTION 12.(c)** Effective July 1, 2018, G.S. 143B-805(6) reads as rewritten:

28       "(6) Delinquent juvenile. –

29       a. Any juvenile who, while less than 16 years of age but at least 6 years  
30 of age, commits a misdemeanor or infraction under State law or  
31 under an ordinance of local government, including violation of the  
32 motor vehicle laws; or

33       b. Any juvenile who, while less than 17 years and six months of age but  
34 at least 16 years of age, commits a misdemeanor or infraction under  
35 State law or under an ordinance of local government, excluding  
36 violation of the motor vehicle laws."

37       **SECTION 12.(d)** Effective July 1, 2019, G.S. 143B-805(6) reads as rewritten:

38       "(6) Delinquent juvenile. –

39       a. Any juvenile who, while less than 16 years of age but at least 6 years  
40 of age, commits a crime or infraction under State law or under an  
41 ordinance of local government, including violation of the motor  
42 vehicle laws; or

43       b. Any juvenile who, while less than ~~17 years and six months~~ 18 years  
44 of age but at least 16 years of age, commits a misdemeanor or  
45 infraction under State law or under an ordinance of local  
46 government, excluding violation of the motor vehicle laws."

47       **SECTION 13.** Effective July 1, 2016, G.S. 143B-806(b) reads as rewritten:

48       "(b) The Secretary shall have the following powers and duties:

49       ...



1           (20) Provide for the transportation to and from any State or local juvenile facility  
2           of any person under the jurisdiction of the juvenile court for any purpose  
3           required by Chapter 7B of the General Statutes or upon order of the court."

4           **SECTION 14.(a)** Effective July 1, 2016, G.S. 14-316.1 reads as rewritten:

5           **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

6           Any person who is at least 16 years and six months old who knowingly or willfully causes,  
7           encourages, or aids any juvenile within the jurisdiction of the court to be in a place or  
8           condition, or to commit an act whereby the juvenile could be adjudicated delinquent,  
9           undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty  
10          of a Class 1 misdemeanor.

11          It is not necessary for the district court exercising juvenile jurisdiction to make an  
12          adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to  
13          prosecute a parent or any person, including an employee of the Division of Juvenile Justice of  
14          the Department of Public Safety under this section. An adjudication that a juvenile is  
15          delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a  
16          parent or any other person including an employee of the Division of Juvenile Justice of the  
17          Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or  
18          neglected condition of any juvenile."

19          **SECTION 14.(b)** Effective July 1, 2017, G.S. 14-316.1 reads as rewritten:

20          **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

21          Any person who is at least ~~16 years and six months~~ 17 years old who knowingly or willfully  
22          causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or  
23          condition, or to commit an act whereby the juvenile could be adjudicated delinquent,  
24          undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty  
25          of a Class 1 misdemeanor.

26          It is not necessary for the district court exercising juvenile jurisdiction to make an  
27          adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to  
28          prosecute a parent or any person, including an employee of the Division of Juvenile Justice of  
29          the Department of Public Safety under this section. An adjudication that a juvenile is  
30          delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a  
31          parent or any other person including an employee of the Division of Juvenile Justice of the  
32          Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or  
33          neglected condition of any juvenile."

34          **SECTION 14.(c)** Effective July 1, 2018, G.S. 14-316.1 reads as rewritten:

35          **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

36          Any person who is at least 17 years and six months old who knowingly or willfully causes,  
37          encourages, or aids any juvenile within the jurisdiction of the court to be in a place or  
38          condition, or to commit an act whereby the juvenile could be adjudicated delinquent,  
39          undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty  
40          of a Class 1 misdemeanor.

41          It is not necessary for the district court exercising juvenile jurisdiction to make an  
42          adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to  
43          prosecute a parent or any person, including an employee of the Division of Juvenile Justice of  
44          the Department of Public Safety under this section. An adjudication that a juvenile is  
45          delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a  
46          parent or any other person including an employee of the Division of Juvenile Justice of the  
47          Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or  
48          neglected condition of any juvenile."

49          **SECTION 14.(d)** Effective July 1, 2019, G.S. 14-316.1 reads as rewritten:

50          **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

1 Any person who is at least ~~17 years and six months~~ 18 years old who knowingly or willfully  
2 causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or  
3 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,  
4 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty  
5 of a Class 1 misdemeanor.

6 It is not necessary for the district court exercising juvenile jurisdiction to make an  
7 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to  
8 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of  
9 the Department of Public Safety under this section. An adjudication that a juvenile is  
10 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a  
11 parent or any other person including an employee of the Division of Juvenile Justice of the  
12 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or  
13 neglected condition of any juvenile."

14 **SECTION 15.** For purposes of this act, the determination of a juvenile's age shall  
15 be from the date of birth in the month of birth to the same date in each calendar month.

16 **SECTION 16.(a)** Effective January 14, 2011, Section 18.9(h) of S.L. 2009-451  
17 reads as rewritten:

18 "**SECTION 18.9.(h)** Report. – The Task Force shall submit an interim report to the 2010  
19 Regular Session of the 2009 General Assembly, with copies to the Joint Legislative  
20 Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the  
21 Appropriations Subcommittees on Justice and Public Safety of both houses and shall submit a  
22 final report of its findings and recommendations, including legislative, administrative, and  
23 funding recommendations, by ~~January 15, 2011,~~ January 15, 2020, to the General Assembly, the  
24 Governor, and the citizens of the State. The Task Force shall terminate upon filing its final  
25 report."

26 **SECTION 16.(b)** Effective January 1, 2012, Section 18.9 of S.L. 2009-451 reads  
27 as rewritten:

28 "**SECTION 18.9.(a)** Task Force Established. – There is established within the Division of  
29 Juvenile Justice of the Department of Public Safety~~Department of Juvenile Justice and~~  
30 ~~Delinquency Prevention~~ the Youth Accountability Planning Task Force. The Division of  
31 Juvenile Justice of the Department of Public Safety~~Department of Juvenile Justice and~~  
32 ~~Delinquency Prevention~~ shall provide professional and clerical staff and other services and  
33 supplies, including meeting space, as needed for the Task Force to carry out its duties in an  
34 effective manner.

35 "**SECTION 18.9.(b)** Membership. – The Task Force shall consist of 21 members. The  
36 following members or their designees shall serve as ex officio members:

- 37 (1) The Chief Deputy Secretary of the Division of Juvenile Justice of the  
38 Department of Public Safety~~Secretary of the Department of Juvenile Justice~~  
39 ~~and Delinquency Prevention~~.
- 40 (2) The Director of the Administrative Office of the Courts.
- 41 (3) The Secretary of the Department of Health and Human Services.
- 42 (4) The Chief Deputy Secretary of the Division of Adult Corrections of the  
43 Department of Public Safety~~Secretary of the Department of Correction~~.
- 44 (5) The Secretary of the Department of ~~Crime Control and~~ Public Safety.
- 45 (6) The Superintendent of Public Instruction.
- 46 (7) The Secretary of the Department of Administration, or a designee having  
47 knowledge of programs and services for youth and young adults.
- 48 (8) The Juvenile Defender in the Office of Indigent Defense.
- 49 (9) One representative from the Governor's Crime Commission, appointed by  
50 the Governor.

1 (10) One representative from the North Carolina Sentencing and Policy Advisory  
2 Commission, appointed by the Governor.

3 The remaining members shall be appointed as follows:

4 (11) Three members of the House of Representatives appointed by the Speaker of  
5 the House of Representatives.

6 (12) Three members of the Senate appointed by the President Pro Tempore of the  
7 Senate.

8 (13) Two chief court counselors, appointed by the Governor, one to be from a  
9 rural county and one from an urban county.

10 (14) One present or former chief district court judge or superior court judge  
11 appointed by the Chief Justice of the North Carolina Supreme Court.

12 (15) One police chief appointed by the President Pro Tempore of the Senate.

13 (16) One district attorney appointed by the Speaker of the House of  
14 Representatives.

15 Appointments to the Task Force shall be made no later than October 1, 2009. A  
16 vacancy in the Task Force or a vacancy as chair of the Task Force resulting from the  
17 resignation of a member or otherwise shall be filled in the same manner in which the original  
18 appointment was made.

19 **"SECTION 18.9.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and the  
20 Speaker of the House of Representatives shall each designate one member to serve as cochair  
21 of the Task Force.

22 The cochairs shall call the initial meeting of the Task Force on or before November 1, 2009.  
23 The Task Force shall subsequently meet upon such notice and in such manner as its members  
24 determine. A majority of the members of the Task Force shall constitute a quorum.

25 **"SECTION 18.9.(d)** The Office of the Governor shall provide staff to the Task Force at  
26 the request of the Task Force.

27 **"SECTION 18.9.(e)** Cooperation by Government Agencies. – The Task Force may call  
28 upon any department, agency, institution, or officer of the State or any political subdivision  
29 thereof for facilities, data, or other assistance.

30 **"SECTION 18.9.(f)** Duties of Task Force. – The Task Force shall determine whether the  
31 State should amend the laws concerning persons 16 and 17 years of age who commit crimes or  
32 infractions, including a determination of whether the Juvenile Code or the Criminal Procedure  
33 Act should be revised to provide appropriate sanctions, services, and treatment for those  
34 offenders and a study of expanding the jurisdiction of the Division of Juvenile Justice of the  
35 Department of Public Safety~~Department of Juvenile Justice and Delinquency Prevention~~ to  
36 include persons 16 and 17 years of age who commit crimes or infractions. As part of its study,  
37 the Task Force shall also develop an implementation plan that may be used if it is determined  
38 that it is appropriate to expand the jurisdiction of the Division of Juvenile Justice of the  
39 Department of Public Safety~~Department of Juvenile Justice and Delinquency Prevention~~ to  
40 include persons 16 and 17 years of age who commit crimes or infractions. In particular, the  
41 Task Force shall consider all of the following:

42 (1) The costs to the State court system and State and local law enforcement.

43 (2) The relevant State laws that should be conformed or amended as a result of  
44 revising the definition of delinquent juvenile to include 16- and 17-year-old  
45 persons, including the motor vehicle and criminal laws, the laws regarding  
46 expunction of criminal records, and other juvenile laws. The Task Force  
47 shall make recommendations to the General Assembly regarding proposed  
48 legislative amendments.

49 (3) Proposals to eliminate the racial disparity in complaints, commitments,  
50 community program availability, utilization and success rates, and other key  
51 decision and impact points in the juvenile justice process.

- 1 (4) Proposals regarding community programs that would provide rehabilitative  
2 services to juveniles in a treatment-oriented environment and incorporate  
3 best practices as recommended in subdivision (3) of this subsection.
- 4 (5) The total cost of expanding the jurisdiction of the Division of Juvenile  
5 Justice of the Department of Public Safety~~Department of Juvenile Justice~~  
6 ~~and Delinquency Prevention~~ to include persons who are 16 and 17 years of  
7 age who commit crimes or infractions under State law or under an ordinance  
8 of local government.
- 9 (6) The implications of revising the definition of delinquent juvenile to include  
10 16- and 17-year-olds, as it relates to other laws based on age, including laws  
11 requiring school attendance and drivers license laws.
- 12 (7) Whether standards should be established for determining when a juvenile  
13 should be transferred to superior court, including whether there should be  
14 presumptions that certain offenses should or should not result in a transfer to  
15 superior court.
- 16 (8) Whether a 16- or 17-year-old who is alleged to have committed a felony  
17 motor vehicle offense should be considered a juvenile or an adult.
- 18 (9) Any other related issues that the Task Force considers necessary.

19 Upon enactment of legislation expanding the jurisdiction of the Division of Juvenile Justice  
20 of the Department of Public Safety to include persons 16 and 17 years of age who commit  
21 crimes or infractions, the Task Force shall monitor and review the implementation of the  
22 expansion and shall make additional recommendations to the General Assembly as necessary.

23 "SECTION 18.9.(g) Consultation. – The Task Force shall consult with appropriate State  
24 departments, agencies, and board representatives on issues related to juvenile justice  
25 administration.

26 "SECTION 18.9.(h) Report. – The Task Force shall submit an interim report to the 2010  
27 Regular Session of the 2009 General Assembly, with copies to the Joint Legislative  
28 Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the  
29 Appropriations Subcommittees on Justice and Public Safety of both houses and shall submit a  
30 final report of its findings and recommendations, including legislative, administrative, and  
31 funding recommendations, by January 15, 2020, to the General Assembly, the Governor, and  
32 the citizens of the State. The Task Force shall terminate upon filing its final report.

33 "SECTION 18.9.(i) Funding. – The Task Force may apply for, receive, and accept grants  
34 of non-State funds or other contributions as appropriate to assist in the performance of its  
35 duties. The Division of Juvenile Justice of the Department of Public Safety ~~Department of~~  
36 ~~Juvenile Justice and Delinquency Prevention~~ may also use funds appropriated to it to carry out  
37 the study and devise the implementation plan."

38 SECTION 17. Except as otherwise provided in this act, this act is effective when it  
39 becomes law. Prosecutions, or delinquency proceedings initiated, for offenses committed  
40 before any particular section of this act becomes effective are not abated or affected by this act,  
41 and the statutes that are in effect on the dates the offenses are committed remain applicable to  
42 those prosecutions.