



SENATE BILL 207: Various Raise the Age Changes/JJAC Recs.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: March 23, 2021
Introduced by: Sens. Britt, Daniel, Mohammed	Prepared by: Tawanda F. Artis
Analysis of: Second Edition	Staff Attorney

OVERVIEW: *Senate Bill 207 modifies certain provisions of the Juvenile Justice Reinvestment Act, as recommended by the Juvenile Justice Advisory Committee.*

[As introduced, this bill was identical to H252, as introduced by Reps. McNeill, C. Smith, Richardson, Greene, which is currently in House Judiciary 2.]

CURRENT LAW: The Juvenile Justice Reinvestment Act, also known as the "Raise the Age" legislation, was included in The Appropriations Act of 2017 ([S.L. 2017-57, Section 16D.4](#)). This legislation made changes to certain juvenile delinquency and juvenile justice statutes to accomplish the following:

- 1) Raise the age of juvenile jurisdiction to include 16- and 17-year-olds, except in the case of A-G felonies;
- 2) Provide a victim an opportunity to request review of a decision not to file a juvenile petition;
- 3) Increase the information available on juveniles to law enforcement and for court proceedings;
- 4) Authorize school-justice partnerships statewide to reduce school-based referrals to the juvenile court system;
- 5) Require regular juvenile justice training for law enforcement officers;
- 6) Provide for gang assessments and enhanced sentencing for offenses committed as part of criminal gang activity; and
- 7) Establish the Juvenile Jurisdiction Advisory Committee.

The Juvenile Jurisdiction Advisory Committee is tasked with developing a specific plan for the implementation of the changes in the juvenile justice system and submitting reports with updates on the planning steps completed towards implementation, including legislative, administrative, and funding recommendations, annually until 2023, or upon the filing of its final report.

BILL ANALYSIS:

Sections 1(a) through 1(e) makes clarifying and conforming changes to the maximum commitment terms in youth development centers for offenses juveniles committed while they were 16 years or 17 years of age.

Section 1(f) clarifies the court retains jurisdiction to modify any order or disposition made in the case once a juvenile is found delinquent until the juvenile reaches the maximum term of commitment based on the age of the juvenile at the time of the offense or jurisdiction is terminated by order of the court.

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Section 2 clarifies a juvenile may be detained in a holdover facility approved by the Juvenile Justice Section until the juvenile can be transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety after the juvenile has been found guilty, or entered a plea of guilty or no contest to a criminal offense in superior court and received an active sentence.

Section 3 allows the superior court to issue a secure custody order when a juvenile matter that has been transferred to superior court is remanded to district court. This section also requires a hearing to determine the need for continued secure custody must be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court. This hearing may not be continued or waived. The district court has authority to modify any secure custody order following the issuance of that order by the superior court.

Section 4 permits a prosecutor to decline to prosecute in superior court a matter that would otherwise be subject to mandatory transfer if the juvenile allegedly committed an offense that would be a Class D, E, F, or G felony if committed by an adult.

Section 5 allows juvenile court counselors to conduct child consultations and investigate child complaints for children ages 6 to 9 referred to the juvenile justice system. This section also raises the minimum age for juvenile delinquency from age 6 to age 10 and gives the court exclusive jurisdiction over parents, guardians, and custodians who fail to comply with the recommendations of a child consultation.

EFFECTIVE DATE: This act becomes effective December 1, 2021, and applies to offenses committed on or after that date.