

- 1 (4) A short description of the local services, programs, or projects that will receive
- 2 funds.
- 3 (5) Identification of any programs that received grant funds at one time but for
- 4 which funding has been eliminated by the Department.
- 5 (6) The number of at-risk, diverted, and adjudicated juveniles served by each
- 6 county.
- 7 (7) The Department's actions to ensure that county JCPCs prioritize funding for
- 8 dispositions of intermediate and community-level sanctions for court-
- 9 adjudicated juveniles under minimum standards adopted by the Department.
- 10 (8) The total cost for each funded program, including the cost per juvenile and the
- 11 essential elements of the program."
- 12

**JUVENILE JUSTICE REINVESTMENT ACT**

**INCREASE THE AGE OF JUVENILE JURISDICTION, EXCEPT FOR CERTAIN FELONIES**

**SECTION 16D.4.(a)** G.S. 7B-1501 reads as rewritten:

**"§ 7B-1501. Definitions.**

In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings. The singular includes the plural, unless otherwise specified.

- 21 ...
- (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.
  - b. Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an 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.

- ...
  - (27a) Victim. – Any individual or entity against whom a crime or infraction is alleged to have been committed by a juvenile based on reasonable grounds that the alleged facts are true. For purposes of Article 17 of this Chapter, the term may also include a parent, guardian, or custodian of a victim under the age of 18 years of age.

..."  
**SECTION 16D.4.(b)** G.S. 7B-1601 reads as rewritten:

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

- 24 (a) The court has exclusive, original jurisdiction over any case involving a juvenile who is
- 25 alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at the
- 26 time of the alleged offense governs.
- 27 (b) When the court obtains jurisdiction over a juvenile alleged to be ~~delinquent, delinquent~~
- 28 for an offense committed prior to the juvenile reaching the age of 16 years, jurisdiction shall
- 29 continue until terminated by order of the court or until the juvenile reaches the age of 18 years,
- 30 except as provided otherwise in this Article.

31 (b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense  
32 committed while the juvenile was at least 16 years of age but less than 17 years of age, jurisdiction  
33 shall continue until terminated by order of the court or until the juvenile reaches the age of 19  
34 years. If the offense was committed while the juvenile was at least 17 years of age, jurisdiction  
35 shall continue until terminated by order of the court or until the juvenile reaches the age of 20  
36 years.

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

42 (c1) When delinquency proceedings for a juvenile alleged to be delinquent for an offense  
43 committed while the juvenile was at least 16 years of age but less than 17 years of age cannot be  
44 concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for the sole  
45 purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring  
46 the case to superior court for trial as an adult or dismissing the petition. When delinquency  
47 proceedings for a juvenile alleged to be delinquent for an offense committed while the juvenile  
48 was at least 17 years of age cannot be concluded before the juvenile reaches the age of 20 years,  
49 the court retains jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22  
50 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing  
51 the petition.

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

57 (d1) When the court has not obtained jurisdiction over a juvenile before the juvenile reaches  
58 the age of 19, for a felony and related misdemeanors the juvenile allegedly committed while the  
59 juvenile was at least 16 years of age but less than 17 years of age, the court has jurisdiction for the  
60 sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either  
61 transferring the case to superior court for trial as an adult or dismissing the petition. When the  
62 court has not obtained jurisdiction over a juvenile before the juvenile reaches the age of 20, for a  
63 felony and related misdemeanors the juvenile allegedly committed while the juvenile was at least  
64 17 years of age but less than 18 years of age, the court has jurisdiction for the sole purpose of  
65 conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to  
66 superior court for trial as an adult or dismissing the petition.

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

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

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

75 **16D.4.(c)** G.S. 7B-1604 reads as rewritten:  
76 **"§ 7B-1604. Limitations on juvenile court jurisdiction.**

77 (a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who commits  
78 a criminal offense on or after the ~~juvenile's sixteenth birthday~~ juvenile has reached the age of 18

79 years is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted as  
80 an adult for the commission of a criminal offense.

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

85 **SECTION 16D.4.(d)** G.S. 7B-2200 reads as rewritten:

86 **"§ 7B-2200. Transfer of jurisdiction of a juvenile under the age of 16 to superior court.**

87 ~~After~~Except as otherwise provided in G.S. 7B-2200.5, after notice, hearing, and a finding of  
88 probable cause the court may, upon motion of the prosecutor or the juvenile's attorney or upon its  
89 own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was at least 13  
90 years of age ~~or older but less than 16 years of age~~ at the time the juvenile allegedly committed an  
91 offense that would be a felony if committed by an adult. If the alleged felony constitutes a Class  
92 A felony and the court finds probable cause, the court shall transfer the case to the superior court  
93 for trial as in the case of adults."

94 **SECTION 16D.4.(e)** Article 22 of Chapter 7B of the General Statutes is amended  
95 by adding a new section to read:

96 **"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior**  
97 **court.**

98 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed an  
99 offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the  
100 court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults  
101 after either of the following:

- 102 (1) Notice to the juvenile and a finding by the court that a bill of indictment has  
103 been returned against the juvenile charging the commission of an offense that  
104 constitutes a Class A, B1, B2, C, D, F, or G felony if committed by an adult.
- 105 (2) Notice, hearing, and a finding of probable cause that the juvenile committed an  
106 offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed  
107 by an adult.

108 (b) If the juvenile was 16 years of age or older at the time the juvenile allegedly committed  
109 an offense that would be a Class H or I felony if committed by an adult, after notice, hearing, and  
110 a finding of probable cause, the court may, upon motion of the prosecutor or the juvenile's attorney  
111 or upon its own motion, transfer jurisdiction over a juvenile to superior court pursuant to G.S. 7B-  
112 2203."

113 **SECTION 16D.4.(f)** G.S. 7B-2202 reads as rewritten:

114 **"§ 7B-2202. Probable cause hearing.**

115 (a) ~~The~~Except as otherwise provided in G.S. 7B-2200.5(a)(1), the court shall conduct a hearing  
116 to determine probable cause in all felony cases in which a juvenile was 13 years of age or older  
117 when the offense was allegedly committed. The hearing shall be conducted within 15 days of the  
118 date of the juvenile's first appearance. The court may continue the hearing for good cause.

119 ...

120 (e) If probable cause is found and transfer to superior court is not required by ~~G.S. 7B-~~  
121 ~~2200,~~G.S. 7B-2200 or G.S. 7B-2200.5, upon motion of the prosecutor or the juvenile's attorney  
122 or upon its own motion, the court shall either proceed to a transfer hearing or set a date for that  
123 hearing. If the juvenile has not received notice of the intention to seek transfer at least five days  
124 prior to the probable cause hearing, the court, at the request of the juvenile, shall continue the  
125 transfer hearing.

126 ...."

127 **SECTION 16D.4.(g)** G.S. 7B-2506 reads as rewritten:

128 **"§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

- 131 (1) In the case of any juvenile under the age of 18 years who needs more adequate  
132 care or supervision or who needs placement, the judge may:
- 133 a. Require that a juvenile be supervised in the juvenile's own home by the  
134 department of social services in the juvenile's county, a juvenile court  
135 counselor, or other personnel as may be available to the court, subject  
136 to conditions applicable to the parent, guardian, or custodian or the  
137 juvenile as the judge may specify; or
  - 138 b. Place the juvenile in the custody of a parent, guardian, custodian,  
139 relative, private agency offering placement services, or some other  
140 suitable person; or
  - 141 c. If the director of the county department of social services has received  
142 notice and an opportunity to be heard, place the juvenile in the custody  
143 of the department of social services in the county of his residence, or  
144 in the case of a juvenile who has legal residence outside the State, in  
145 the physical custody of a department of social services in the county  
146 where the juvenile is found so that agency may return the juvenile to  
147 the responsible authorities in the juvenile's home state. An order  
148 placing a juvenile in the custody or placement responsibility of a county  
149 department of social services shall contain a finding that the juvenile's  
150 continuation in the juvenile's own home would be contrary to the  
151 juvenile's best interest. This placement shall be reviewed in accordance  
152 with G.S. 7B-906.1. The director may, unless otherwise ordered by the  
153 judge, arrange for, provide, or consent to, needed routine or emergency  
154 medical or surgical care or treatment. In the case where the parent is  
155 unknown, unavailable, or unable to act on behalf of the juvenile or  
156 juveniles, the director may, unless otherwise ordered by the judge,  
157 arrange for, provide, or consent to any psychiatric, psychological,  
158 educational, or other remedial evaluations or treatment for the juvenile  
159 placed by a judge or his designee in the custody or physical custody of  
160 a county department of social services under the authority of this or any  
161 other Chapter of the General Statutes. Prior to exercising this authority,  
162 the director shall make reasonable efforts to obtain consent from a  
163 parent, guardian, or custodian of the affected juvenile. If the director  
164 cannot obtain consent, the director shall promptly notify the parent,  
165 guardian, or custodian that care or treatment has been provided and  
166 shall give the parent, guardian, or custodian frequent status reports on  
167 the circumstances of the juvenile. Upon request of a parent, guardian,  
168 or custodian of the affected juvenile, the results or records of the  
169 aforementioned evaluations, findings, or treatment shall be made  
170 available to the parent, guardian, or custodian by the director unless  
171 prohibited by G.S. 122C-53(d).
- 172 (2) Excuse ~~the~~ juvenile under the age of 16 years from compliance with the  
173 compulsory school attendance law when the court finds that suitable alternative  
174 plans can be arranged by the family through other community resources for  
175 one of the following:

- 176 a. An education related to the needs or abilities of the juvenile including  
 177 vocational education or special education;  
 178 b. A suitable plan of supervision or placement; or  
 179 c. Some other plan that the court finds to be in the best interests of the  
 180 juvenile.

181 ...."

182 **SECTION 16D.4.(h)** G.S. 7B-2507 reads as rewritten:

183 **"§ 7B-2507. Delinquency history levels.**

184 (a) Generally. – The delinquency history level for a delinquent juvenile is determined by  
 185 calculating the sum of the points assigned to each of the juvenile's prior adjudications or  
 186 convictions and to the juvenile's probation status, if any, that the court finds to have been proved  
 187 in accordance with this section. For the purposes of this section, a prior adjudication is an  
 188 adjudication of an offense that occurs before the adjudication of the offense before the court.

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

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

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

193 (2a) For each prior conviction of a Class A through E felony offense, 4 points.

194 (2b) For each prior conviction of a Class F through I felony or Class A1 misdemeanor  
 195 offense, excluding conviction of the motor vehicle laws, 2 points.

196 (2c) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),  
 197 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor  
 198 death by vehicle (G.S. 20-141.4(a2)), 2 points.

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

200 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense, excluding  
 201 conviction for violation of the motor vehicle laws, 1 point.

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

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

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

206 (1) Low – No more than 1 point.

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

208 (3) High – At least 4 points.

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

212 (d) Multiple Prior Adjudications or Convictions Obtained in One Court Session. – For  
 213 purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent or  
 214 convicted for more than one offense in a single session of district ~~court~~, court or more than one  
 215 offense in a single superior court during one calendar week, only the adjudication or conviction  
 216 for the offense with the highest point total is used.

217 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. – Except  
 218 as otherwise provided in this subsection, an adjudication or conviction occurring in a jurisdiction  
 219 other than North Carolina is classified as a Class I felony if the jurisdiction in which the offense  
 220 occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if the  
 221 jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the juvenile  
 222 proves by the preponderance of the evidence that an offense classified as a felony in the other  
 223 jurisdiction is substantially similar to an offense that is a misdemeanor in North Carolina, the  
 224 adjudication or conviction is treated as that class of misdemeanor for assigning delinquency

225 history level points. If the State proves by the preponderance of the evidence that an offense  
226 classified as either a misdemeanor or a felony in the other jurisdiction is substantially similar to  
227 an offense in North Carolina that is classified as a Class I felony or higher, the adjudication or  
228 conviction is treated as that class of felony for assigning delinquency history level points. If the  
229 State proves by the preponderance of the evidence that an offense classified as a misdemeanor in  
230 the other jurisdiction is substantially similar to an offense classified as a Class A1 misdemeanor  
231 in North Carolina, the adjudication or conviction is treated as a Class A1 misdemeanor for  
232 assigning delinquency history level points.

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

- 235 (1) Stipulation of the parties.
- 236 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication  
237 or conviction.
- 238 (3) A copy of records maintained by the Department of Public Safety or by the  
239 Division.
- 240 (4) Any other method found by the court to be reliable.

241 The State bears the burden of proving, by a preponderance of the evidence, that a prior  
242 adjudication or conviction exists and that the juvenile before the court is the same person as the  
243 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of the  
244 court records or a copy of the records maintained by the Department of Public Safety or of the  
245 Division, bearing the same name as that by which the juvenile is charged, is prima facie evidence  
246 that the juvenile named is the same person as the juvenile before the court, and that the facts set  
247 out in the record are true. For purposes of this subsection, "a copy" includes a paper writing  
248 containing a reproduction of a record maintained electronically on a computer or other data  
249 processing equipment, and a document produced by a facsimile machine. The prosecutor shall  
250 make all feasible efforts to obtain and present to the court the juvenile's full record. Evidence  
251 presented by either party at trial may be utilized to prove prior ~~adjudications.~~ adjudications or  
252 convictions. If asked by the juvenile, the prosecutor shall furnish the juvenile's prior adjudications  
253 or convictions to the juvenile within a reasonable time sufficient to allow the juvenile to determine  
254 if the record available to the prosecutor is accurate."

255 **SECTION 16D.4.(i)** G.S. 7B-2513(a) reads as rewritten:

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

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

- 261 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to  
262 the Division for an offense that would be first-degree murder pursuant to G.S.  
263 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree  
264 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense  
265 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to  
266 G.S. 14-27.29 if committed by an adult;
- 267 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to  
268 the Division for an offense that would be a Class B1, B2, C, D, or E felony if  
269 committed by an adult, other than an offense set forth in subdivision (1) of this  
270 subsection; or
- 271 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to  
272 the Division for an offense other than an offense that would be a Class A, B1,  
273 B2, C, D, or E felony if committed by an adult.

274 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of  
275 age but less than 17 years of age, the term shall not exceed the juvenile's nineteenth birthday.

276 (a3) For an offense the juvenile committed while the juvenile was at least 17 years of age, the  
277 term shall not exceed the juvenile's twentieth birthday.

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

288 **SECTION 16D.4.(j)** G.S. 7B-2515 reads as rewritten:

289 **"§ 7B-2515. Notification of extended commitment; plan of treatment.**

290 (a) In determining whether a juvenile who was committed to the Division for an offense that  
291 was committed prior to the juvenile reaching the age of 16 years should be released before the  
292 juvenile's 18th birthday, the Division shall consider the protection of the public and the likelihood  
293 that continued placement will lead to further rehabilitation. If the Division does not intend to  
294 release the juvenile prior to the juvenile's eighteenth birthday, or if the Division determines that  
295 the juvenile's commitment should be continued beyond the maximum commitment period as set  
296 forth in ~~G.S. 7B-2513(a)~~, G.S. 7B-2513(a4), the Division shall notify the juvenile and the juvenile's  
297 parent, guardian, or custodian in writing at least 30 days in advance of the juvenile's eighteenth  
298 birthday or the end of the maximum commitment period, of the additional specific commitment  
299 period proposed by the Division, the basis for extending the commitment period, and the plan for  
300 future care or treatment.

301 (a1) In determining whether a juvenile who was committed to the Division for an offense that  
302 was committed while the juvenile was at least 16 years of age but less than 17 years of age should  
303 be released before the juvenile's nineteenth birthday, the Division shall consider the protection of  
304 the public and the likelihood that continued placement will lead to further rehabilitation. If the  
305 Division does not intend to release the juvenile prior to the juvenile's nineteenth birthday, or if the  
306 Division determines that the juvenile's commitment should be continued beyond the maximum  
307 commitment period as set forth in G.S. 7B-2513(a4), the Division shall notify the juvenile and the  
308 juvenile's parent, guardian, or custodian in writing, at least 30 days in advance of the juvenile's  
309 nineteenth birthday or the end of the maximum commitment period, of the additional specific  
310 commitment period proposed by the Division, the basis for extending the commitment period, and  
311 the plan for future care or treatment.

312 (a2) In determining whether a juvenile who was committed to the Division for an offense that  
313 was committed while the juvenile was at least 17 years of age but less than 18 years of age should  
314 be released before the juvenile's twentieth birthday, the Division shall consider the protection of  
315 the public and the likelihood that continued placement will lead to further rehabilitation. If the  
316 Division does not intend to release the juvenile prior to the juvenile's twentieth birthday, or if the  
317 Division determines that the juvenile's commitment should be continued beyond the maximum  
318 commitment period as set forth in G.S. 7B-2513(a4), the Division shall notify the juvenile and the  
319 juvenile's parent, guardian, or custodian in writing, at least 30 days in advance of the juvenile's  
320 twentieth birthday or the end of the maximum commitment period, of the additional specific  
321 commitment period proposed by the Division, the basis for extending the commitment period, and  
322 the plan for future care or treatment.

323 (b) The Division shall modify the plan of care or treatment developed pursuant to G.S. 7B-  
324 2513(f) to specify (i) the specific goals and outcomes that require additional time for care or  
325 treatment of the juvenile; (ii) the specific course of treatment or care that will be implemented to  
326 achieve the established goals and outcomes; and (iii) the efforts that will be taken to assist the  
327 juvenile's family in creating an environment that will increase the likelihood that the efforts to  
328 treat and rehabilitate the juvenile will be successful upon release. If appropriate, the Division may  
329 place the juvenile in a setting other than a youth development center.

330 (c) The juvenile and the juvenile's parent, guardian, or custodian may request a review by the  
331 court of the Division's decision to extend the juvenile's commitment ~~beyond the juvenile's~~  
332 ~~eighteenth birthday or maximum commitment period,~~pursuant to this section, in which case the  
333 court shall conduct a review hearing. The court may modify the Division's decision and the  
334 juvenile's maximum commitment period. If the juvenile or the juvenile's parent, guardian, or  
335 custodian does not request a review of the Division's decision, the  
336 Division's decision shall become the juvenile's new maximum commitment period." **SECTION**  
337 **16D.4.(k)** G.S. 7B-2603(b) reads as rewritten:

338 "(b) Once an order of transfer has been entered by the district court, the juvenile has the right  
339 to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. ~~The release~~  
340 ~~order shall specify the person or persons to whom the juvenile may be released. Pending release,~~  
341 ~~the court shall order that the juvenile be detained in a detention facility while awaiting trial. The~~  
342 ~~court may order the juvenile to be held in a holdover facility as defined by G.S. 7B-1501 at any~~  
343 ~~time the presence of the juvenile is required in court for pretrial hearings or trial, if the court finds~~  
344 ~~that it would be inconvenient to return the juvenile to the detention facility.~~Any detention of the  
345 juvenile pending release shall be in accordance with  
346 G.S. 7B-2204."

347 **SECTION 16D.4.(l)** G.S. 7B-3101(a)(2) reads as rewritten:

348 "(2) The court transfers jurisdiction over a juvenile to superior court under G.S. 7B-  
349 2200.5 or G.S. 7B-2200;"

350 **SECTION 16D.4.(m)** G.S. 5A-31(a) reads as rewritten:

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

354 "...."

355 **SECTION 16D.4.(n)** G.S. 5A-34(b) reads as rewritten:

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

- 358 (1) ~~Is 16 years of age or older;~~  
359 (2) Is married or otherwise emancipated; or  
360 (3) Before the act or omission, was convicted in superior court of any criminal  
361 offense."

362 **SECTION 16D.4.(o)** G.S. 14-208.6B reads as rewritten:

363 "**§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in**  
364 **superior court.**

365 A juvenile transferred to superior court pursuant to G.S. 7B-2200 or G.S. 7B-2200.5 who is  
366 convicted of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6  
367 shall register in person in accordance with this Article just as an adult convicted of the same  
368 offense must register."

369 **SECTION 16D.4.(p)** G.S. 14-316.1 reads as rewritten:

370 "**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

371 Any person who is at least ~~16~~18 years old who knowingly or willfully causes, encourages, or  
372 aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an  
373 act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected as  
374 defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1 misdemeanor.

375 It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication  
376 that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent  
377 or any person, including an employee of the Division of Juvenile Justice of the Department of  
378 Public Safety under this section. An adjudication that a juvenile is delinquent, undisciplined,  
379 abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person  
380 including an employee of the Division of Juvenile Justice of the Department of Public Safety, who  
381 contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile."

382 **SECTION 16D.4.(q)** G.S. 115C-404(a) reads as rewritten:

383 "(a) Written notifications received in accordance with G.S. 7B-3101 and information gained  
384 from examination of juvenile records in accordance with G.S. 7B-3100 are confidential records,  
385 are not public records as defined under G.S. 132-1, and shall not be made part of the student's  
386 official record under G.S. 115C-402. Immediately upon receipt, the principal shall maintain these  
387 documents in a safe, locked record storage that is separate from the student's other school records.  
388 The principal shall shred, burn, or otherwise destroy documents received in accordance with G.S.  
389 7B-3100 to protect the confidentiality of the information when the principal receives notification  
390 that the court dismissed the petition under G.S. 7B-2411, the court transferred jurisdiction over  
391 the student to superior court under G.S. 7B-2200.5 or G.S. 7B-2200, or the court granted the  
392 student's petition for expunction of the records. The principal shall shred, burn, or otherwise  
393 destroy all information gained from examination of juvenile records in accordance with G.S. 7B-  
394 3100 when the principal finds that the school no longer needs the information to protect the safety  
395 of or to improve the educational opportunities for the student or others. In no case shall the  
396 principal make a copy of these documents." **SECTION 16D.4.(r)** G.S. 143B-805(6) reads as  
397 rewritten:

398 "(6) Delinquent juvenile. –

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

404 b. Any juvenile who, while less than 18 years of age but at least 16 years  
405 of age, commits a crime or an infraction under State law or under an  
406 ordinance of local government, excluding violation of the motor  
407 vehicle laws, or who commits indirect contempt by a juvenile as  
408 defined in G.S. 5A-31."

409 **SECTION 16D.4.(s)** G.S. 143B-806(b) is amended by adding a new subdivision to  
410 read:

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

#### 415 **VICTIM REQUEST/REVIEW OF DECISION NOT TO FILE A PETITION**

416 **SECTION 16D.4.(t)** G.S. 7B-1703(c) reads as rewritten:

417 "(c) If the juvenile court counselor determines that a petition should not be filed, the juvenile  
418 court counselor shall notify the complainant and the victim, if the complainant is not the victim,  
419 immediately in writing with specific reasons for the decision, whether or not legal

420 sufficiency was found, and whether the matter was closed or diverted and retained, and shall  
421 include notice of the complainant's and victim's right to have the decision reviewed by the  
422 prosecutor. The juvenile court counselor shall sign the complaint after indicating on it:

- 423 (1) The date of the determination;
- 424 (2) The words "Not Approved for Filing"; and
- 425 (3) Whether the matter is "Closed" or "Diverted and Retained".

426 Except as provided in G.S. 7B-1706, any complaint not approved for filing as a juvenile  
427 petition shall be destroyed by the juvenile court counselor after holding the complaint for a  
428 temporary period to allow review as provided in G.S. 7B-1705." **SECTION**

429 **16D.4.(u)** G.S. 7B-1704 reads as rewritten:

430 **"§ 7B-1704. Request for review by prosecutor.**

431 The complainant ~~has~~ and the victim have five calendar days, from receipt of the juvenile court  
432 counselor's decision not to approve the filing of a petition, to request review by the prosecutor.  
433 The juvenile court counselor shall notify the prosecutor immediately of such request and shall  
434 transmit to the prosecutor a copy of the complaint. The prosecutor shall notify the  
435 ~~complainant~~ complainant, the victim, and the juvenile court counselor of the time and place for the  
436 review."

437 **SECTION 16D.4.(v)** G.S. 7B-1705 reads as rewritten:

438 **"§ 7B-1705. Review of determination that petition should not be filed.**

439 No later than 20 days after the complainant ~~is~~ and the victim are notified, the prosecutor shall  
440 review the juvenile court counselor's determination that a juvenile petition should not be filed.  
441 Review shall include conferences with the ~~complainant~~ complainant, the victim, and the juvenile  
442 court counselor. At the conclusion of the review, the prosecutor shall: (i) affirm the decision of  
443 the juvenile court counselor or direct the filing of a petition and (ii) notify the complainant and  
444 the victim of the prosecutor's action."

445 **SECTION 16D.4.(w)** G.S. 143B-806(b) is amended by adding a new subdivision  
446 to read:

447 "(14a) Develop and administer a system to provide information to victims and  
448 complainants regarding the status of pending complaints and the right of a  
449 complainant and victim to request review under G.S. 7B-1704 of a decision to  
450 not file a petition."

451

## 452 **INCREASE INFORMATION AVAILABLE ON JUVENILES TO LAW** 453 **ENFORCEMENT AND FOR COURT PROCEEDINGS**

454 **SECTION 16D.4.(x)** G.S. 7B-3001 reads as rewritten:

455 **"§ 7B-3001. Other records relating to juveniles.**

456 (a) The chief court counselor shall maintain a record of all cases of juveniles under  
457 supervision of juvenile court counselors, to be known as the juvenile court counselor's record. The  
458 juvenile court counselor's record shall include the juvenile's delinquency record; consultations  
459 with law enforcement that did not result in the filing of a complaint; family background  
460 information; reports of social, medical, psychiatric, or psychological information concerning a  
461 juvenile or the juvenile's family; probation reports; interviews with the juvenile's family; or other  
462 information the court finds should be protected from public inspection in the best interests of the  
463 juvenile.

464 (a1) To assist at the time of investigation of an incident that could result in the filing of a  
465 complaint, upon request, a juvenile court counselor shall share with a law enforcement officer  
466 sworn in this State information from the juvenile court counselor's record related to a juvenile's  
467 delinquency record or prior consultations with law enforcement. A law enforcement officer may

468 not obtain copies of any part of the record, and all information shared pursuant to this subsection  
469 shall be withheld from public inspection as provided in subsection (b) of this section.

470 (b) Unless jurisdiction of the juvenile has been transferred to superior court, all law  
471 enforcement records and files concerning a juvenile shall be kept separate from the records and  
472 files of adults and shall be withheld from public inspection. The following persons may examine  
473 and obtain copies of law enforcement records and files concerning a juvenile without an order of  
474 the court:

- 475 (1) The juvenile or the juvenile's attorney;
- 476 (2) The juvenile's parent, guardian, custodian, or the authorized representative of  
477 the juvenile's parent, guardian, or custodian;
- 478 (3) The prosecutor;
- 479 (4) Juvenile court counselors; and
- 480 (5) Law enforcement officers sworn in this State.

481 Otherwise, the records and files may be examined or copied only by order of the court.

482 (c) All records and files maintained by the Division pursuant to this Chapter shall be withheld  
483 from public inspection. The following persons may examine and obtain copies of the Division  
484 records and files concerning a juvenile without an order of the court:

- 485 (1) The juvenile and the juvenile's attorney;
- 486 (2) The juvenile's parent, guardian, custodian, or the authorized representative of  
487 the juvenile's parent, guardian, or custodian;
- 488 (3) Professionals in the agency who are directly involved in the juvenile's case;  
489 and
- 490 (4) Juvenile court counselors.

491 Otherwise, the records and files may be examined or copied only by order of the court. The court  
492 may inspect and order the release of records maintained by the Division.

493 (d) When the Section of Community Corrections of the Division of Adult Correction of the  
494 Department of Public Safety is authorized to access a juvenile record pursuant to G.S. 7B-  
495 3000(e1), the Division may, at the request of the Section of Community Corrections of the  
496 Division of Adult Correction, notify the Section of Community Corrections of the Division of  
497 Adult Correction that there is a juvenile record of an adjudication of delinquency for an offense  
498 that would be a felony if committed by an adult for a person subject to probation supervision under  
499 Article 82 of Chapter 15A of the General Statutes and may notify the Section of Community  
500 Corrections of the Division of Adult Correction of the county or counties where the adjudication  
501 of delinquency occurred."

502 **SECTION 16D.4.(y)** By July 1, 2018, the Administrative Office of the Courts shall  
503 expand access to its automated electronic information management system for juvenile courts,  
504 JWise, to include prosecutors and attorneys representing juveniles in juvenile court proceedings.  
505 Access shall be limited to examining electronic records related to juvenile delinquency  
506 information. Other information contained in JWise, such as any records pertaining to abuse,  
507 neglect, and dependency or termination of parental rights, shall not be made available to a  
508 prosecutor or juvenile's attorney through JWise.

509 **SECTION 16D.4.(z)** Due to the increased mobility of North Carolina citizens  
510 across counties, the Administrative Office of the Courts shall develop statewide inquiry access for  
511 JWise users that corresponds to access to juvenile court records as authorized under Chapter 7B  
512 of the General Statutes by July 1, 2018.

513  
514 **SCHOOL-JUSTICE PARTNERSHIPS TO REDUCE SCHOOL-BASED REFERRALS**  
515 **TO JUVENILE COURTS**

516 **SECTION 16D.4.(aa)** G.S. 7A-343 reads as rewritten:

517 **"§ 7A-343. Duties of Director.**

518 The Director is the Administrative Officer of the Courts, and the Director's duties include all  
519 of the following:

520 ...

521 (9g) Prescribe policies and procedures for chief district court judges to establish  
522 school-justice partnerships with local law enforcement agencies, local boards  
523 of education, and local school administrative units with the goal of reducing  
524 in-school arrests, out-of-school suspensions, and expulsions.

525 ...."

526

527 **JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

528 **SECTION 16D.4.(bb)** G.S. 17C-6(a) reads as rewritten:

529 **"§ 17C-6. Powers of Commission.**

530 (a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the  
531 Commission shall have the following powers, which shall be enforceable through its rules and  
532 regulations, certification procedures, or the provisions of G.S. 17C-10:

533 ...

534 (2) Establish minimum educational and training standards that must be met in order to  
535 qualify for entry level employment and retention as a criminal justice officer  
536 in temporary or probationary status or in a permanent position. The standards  
537 for entry level employment shall include all of the following:

538 a. ~~education~~Education and training in response to, and investigation of, domestic violence cases, as well as training in investigation for  
539 evidence-based prosecutions.

540 b. Education and training on juvenile justice issues, including (i) the  
541 handling and processing of juvenile matters for referrals, diversion,  
542 arrests, and detention; (ii) best practices for handling incidents  
543 involving juveniles; (iii) adolescent development and psychology; and  
544 (iv) promoting relationship building with youth as a key to delinquency  
545 prevention.

546

547 ...

548 (15) Establish minimum standards for in-service training for criminal justice  
549 officers. In-service training standards shall include all of the following:

550 a. ~~training~~Training in response to, and investigation of, domestic violence  
551 cases, as well as training investigation for evidence-based prosecutions.

552 b. Training on juvenile justice issues, including (i) the handling and  
553 processing of juvenile matters for referrals, diversion, arrests, and  
554 detention; (ii) best practices for handling incidents involving juveniles;  
555 (iii) adolescent development and psychology; and (iv) promoting  
556 relationship building with youth as a key to delinquency prevention.

557 (16) Establish minimum standards and levels of training for certification of  
558 instructors for the domestic violence training and juvenile justice training  
559 required by subdivisions (2) and (14) of this subsection.

560 ...."

561 **SECTION 16D.4.(cc)** G.S. 17E-4(a) reads as rewritten:

562 **"§ 17E-4. Powers and duties of the Commission.**

563 (a) The Commission shall have the following powers, duties, and responsibilities, which are  
564 enforceable through its rules and regulations, certification procedures, or the provisions of G.S.  
565 17E-8 and G.S. 17E-9:

566 ...

567 (2) Establish minimum educational and training standards that may be met in order to  
568 qualify for entry level employment as an officer in temporary or probationary  
569 status or in a permanent position. The standards for entry level employment of  
570 officers shall include all of the following:

571 a. ~~training~~ Training in response to, and investigation of, domestic violence  
572 cases, as well as training in investigation for evidence-based  
573 prosecutions. For purposes of the domestic violence training  
574 requirement, the term "officers" shall include justice officers as  
575 defined in G.S. 17E-2(3)a., except that the term shall not include "special  
576 deputy sheriffs" as defined in ~~G.S.~~  
577 ~~17E-2(3)a.;~~ G.S. 17E-2(3)a.

578 b. Training on juvenile justice issues, including (i) the handling and  
579 processing of juvenile matters for referrals, diversion, arrests, and  
580 detention; (ii) best practices for handling incidents involving juveniles;  
581 (iii) adolescent development and psychology; and (iv) promoting  
582 relationship building with youth as a key to delinquency prevention.

583 ...

584 (12) Establish minimum standards for in-service training for justice officers. In-  
585 service training standards shall include all of the following:

586 a. ~~training~~ Training in response to, and investigation of, domestic violence  
587 cases, as well as training in investigation for evidence-based  
588 prosecutions. For purposes of the domestic violence training  
589 requirement, the term "justice officer" shall include those defined in  
590 G.S. 17E-2(3)a., except that the term shall not include "special deputy  
591 sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~ G.S. 17E-2(3)a.

592 b. Training on juvenile justice issues, including (i) the handling and  
593 processing of juvenile matters for referrals, diversion, arrests, and  
594 detention; (ii) best practices for handling incidents involving juveniles;  
595 (iii) adolescent development and psychology; and (iv) promoting  
596 relationship building with youth as a key to delinquency prevention.

597 (13) Establish minimum standards and levels of training for certification of  
598 instructors for the domestic violence training and juvenile justice training  
599 required by subdivisions (2) and (11) of this subsection.

600 The Commission may certify, and no additional certification shall be required from it,  
601 programs, courses and teachers certified by the North Carolina Criminal Justice Education and  
602 Training Standards Commission. Where the Commission determines that a program, course,  
603 instructor or teacher is required for an area which is unique to the office of sheriff, the Commission  
604 may certify such program, course, instructor, or teacher under such standards and procedures as  
605 it may establish."

606 **SECTION 16D.4.(dd)** In developing and implementing the education and training  
607 required by subsections (a) and (b) of this section, the North Carolina Criminal Justice Education  
608 and Training Standards Commission and the North Carolina Sheriffs' Education and Training  
609 Standards Commission shall work with the Division of Adult Correction and Juvenile Justice of  
610 the Department of Public Safety.

611

612 **JUVENILE GANG SUPPRESSION**613 **SECTION 16D.4.(ee)** G.S. 7B-1702 reads as rewritten:614 **"§ 7B-1702. Evaluation.**

615 Upon a finding of legal sufficiency, except in cases involving nondivertible offenses set out  
616 in G.S. 7B-1701, the juvenile court counselor shall determine whether a complaint should be filed  
617 as a petition, the juvenile diverted pursuant to G.S. 7B-1706, or the case resolved without further  
618 action. In making the decision, the counselor shall consider criteria provided by the ~~Department.~~  
619 Department and shall conduct a gang assessment. The intake process shall include the following  
620 steps if practicable:

- 621 (1) Interviews with the complainant and the victim if someone other than the  
622 complainant;
- 623 (2) Interviews with the juvenile and the juvenile's parent, guardian, or custodian;
- 624 (3) Interviews with persons known to have relevant information about the juvenile  
625 or the juvenile's family.

626 Interviews required by this section shall be conducted in person unless it is necessary to conduct  
627 them by telephone."

628 **SECTION 16D.4.(ff)** The Division of Adult Correction and Juvenile Justice of the  
629 Department of Public Safety shall develop a gang assessment instrument to be used in accordance  
630 with subsection (ee) of this section. The form shall be developed in consultation with the  
631 administrator of the GangNET database maintained by the North Carolina State Highway Patrol,  
632 and the Division may also consult with other entities that might provide information relevant to  
633 the development of an effective assessment tool.

634 **SECTION 16D.4.(gg)** G.S. 7B-2508 is amended by adding a new subsection to  
635 read:

636 "(g1) Notwithstanding subsection (f) of this section, if a juvenile is adjudicated for an offense  
637 that the court finds was committed as part of criminal gang activity as defined in G.S. 7B-2508.1,  
638 the juvenile shall receive a disposition one level higher than would otherwise be provided for the  
639 class of offense and delinquency history level."

640 **SECTION 16D.4.(hh)** Article 25 of Chapter 7B of the General Statutes is amended  
641 by adding a new section to read:

642 **"§ 7B-2508.1. Criminal gang activity.**

643 The following definitions apply in this Article:

644 (1) Criminal gang. – Any ongoing organization, association, or group of three or  
645 more persons, whether formal or informal, that (i) has as one of its primary  
646 activities the commission of criminal or delinquent acts and (ii) shares a  
647 common name, identification, signs, symbols, tattoos, graffiti, attire, or other  
648 distinguishing characteristics, including common activities, customs, or  
649 behaviors. The term shall not include three or more persons associated in fact,  
650 whether formal or informal, who are not engaged in criminal gang activity.

651 (2) Criminal gang activity. – The commission of, attempted commission of, or  
652 solicitation, coercion, or intimidation of another person to commit (i) any  
653 offense under Article 5 of Chapter 90 of the General Statutes or (ii) any offense  
654 under Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59  
655 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-  
656 190.9, 14-247, 14-248, or 14-313 thereof, and either of the following  
657 conditions is met:

658 a. The offense is committed with the intent to benefit, promote, or further  
659 the interests of a criminal gang or for the purposes of increasing a  
660 person's own standing or position within a criminal gang.

- 661                    b.     The participants in the offense are identified as criminal gang members  
 662                    acting individually or collectively to further any criminal purpose of a  
 663                    criminal gang.
- 664                    (3)   Criminal gang member. – Any person who meets three or more of the following  
 665                    criteria:
- 666                    a.     The person admits to being a member of a criminal gang.  
 667                    b.     The person is identified as a criminal gang member by a reliable source,  
 668                    including a parent or a guardian.  
 669                    c.     The person has been previously involved in criminal gang activity.  
 670                    d.     The person has adopted symbols, hand signs, or graffiti associated with  
 671                    a criminal gang.  
 672                    e.     The person has adopted the display of colors or the style of dress  
 673                    associated with a criminal gang.  
 674                    f.     The person is in possession of or linked to a criminal gang by physical  
 675                    evidence, including photographs, ledgers, rosters, written or electronic  
 676                    communications, or membership documents.  
 677                    g.     The person has tattoos or markings associated with a criminal gang.  
 678                    h.     The person has adopted language or terminology associated with a  
 679                    criminal gang.  
 680                    i.     The person appears in any form of social media to promote a  
 681                    criminal gang."

682                    **SECTION 16D.4.(ii)** G.S. 7B-3001(a) reads as rewritten:

683                    "(a) The chief court counselor shall maintain a record of all cases of juveniles under  
 684                    supervision of juvenile court counselors, to be known as the juvenile court counselor's record. The  
 685                    juvenile court counselor's record shall include family background information; reports of social,  
 686                    medical, psychiatric, or psychological information concerning a juvenile or the juvenile's family;  
 687                    probation reports; interviews with the juvenile's family; the results of the gang assessment; or  
 688                    other information the court finds should be protected from public inspection in the best interests  
 689                    of the juvenile."

690                    **SECTION 16D.4.(jj)** Subsection (ff) of this section is effective when it becomes  
 691                    law. The remainder of this Part becomes effective December 1, 2019, and applies to offenses  
 692                    committed on or after that date.

693  
 694                    **ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

695                    **SECTION 16D.4.(kk)** Advisory Committee Established. – There is established  
 696                    within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety  
 697                    the Juvenile Jurisdiction Advisory Committee. The Division of Adult Correction and Juvenile  
 698                    Justice shall provide professional and clerical staff and other services and supplies, including  
 699                    meeting space, as needed for the Advisory Committee to carry out its duties in an effective  
 700                    manner.

701                    **SECTION 16D.4.(ll)** Membership. – The Advisory Committee shall consist of 21  
 702                    members. The following members or their designees shall serve as ex officio members:

- 703                    (1)    The Deputy Commissioner for Juvenile Justice of the Division of Adult  
 704                    Correction and Juvenile Justice of the Department of Public Safety.  
 705                    (2)    The Director of the Administrative Office of the Courts.  
 706                    (3)    The Director of the Division of Mental Health, Developmental Disabilities, and  
 707                    Substance Abuse Services of the Department of Health and Human Services.  
 708                    (4)    The Superintendent of Public Instruction.  
 709                    (5)    The Juvenile Defender in the Office of Indigent Defense.

- 710 (6) The Executive Director of the North Carolina Sentencing and Policy Advisory  
711 Commission.
- 712 (7) One representative from the Juvenile Justice Planning Committee of the  
713 Governor's Crime Commission.
- 714 The remaining members shall be appointed as follows:
- 715 (8) Two chief court counselors appointed by the Governor, one to be from a rural  
716 county and one from an urban county.
- 717 (9) One chief district court judge and one superior court judge appointed by the  
718 Chief Justice of the North Carolina Supreme Court.
- 719 (10) One police chief appointed by the President Pro Tempore of the Senate.
- 720 (11) One sheriff appointed by the Speaker of the House of Representatives.
- 721 (12) One clerk of superior court appointed by the President Pro Tempore of the  
722 Senate.
- 723 (13) One district attorney appointed by the Speaker of the House of  
724 Representatives.
- 725 (14) One assistant district attorney who handles juvenile matters appointed by the  
726 Conference of District Attorneys.
- 727 (15) One assistant public defender who handles juvenile matters appointed by the  
728 North Carolina Association of Public Defenders.
- 729 (16) Two representatives from the juvenile advocacy community, one appointed by  
730 the President Pro Tempore of the Senate and one appointed by the Speaker of  
731 the House of Representatives.
- 732 (17) Two representatives from the victim advocacy community, one appointed by  
733 the President Pro Tempore of the Senate and one appointed by the Speaker of  
734 the House of Representatives.

735 Appointments to the Advisory Committee shall be made no later than October 1, 2017.  
736 A vacancy in the Advisory Committee or a vacancy as chair of the Advisory Committee resulting  
737 from the resignation of a member or otherwise shall be filled in the same manner in which the  
738 original appointment was made.

739 **SECTION 16D.4.(mm)** Chair; Meetings. – The President Pro Tempore of the Senate  
740 and the Speaker of the House of Representatives shall each designate one member to serve as  
741 cochair of the Advisory Committee.

742 The cochairs shall call the initial meeting of the Advisory Committee on or before  
743 November 1, 2017. The Advisory Committee shall subsequently meet upon such notice and in  
744 such manner as its members determine. A majority of the members of the Advisory Committee  
745 shall constitute a quorum.

746 **SECTION 16D.4.(oo)** Cooperation by Government Agencies. – The Advisory  
747 Committee may call upon any department, agency, institution, or officer of the State or any  
748 political subdivision thereof for facilities, data, or other assistance.

749 **SECTION 16D.4.(pp)** Duties of Advisory Committee. – The Advisory Committee  
750 shall develop a specific plan for the implementation of any changes in the juvenile justice system  
751 that would be required in order to extend jurisdiction in delinquency matters and proceedings to  
752 include 16- and 17-year-old persons within the juvenile justice system. The plan shall include cost  
753 estimates for each portion of the plan, including capital costs, operating costs, and staffing costs.  
754 As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons 16 and  
755 17 years of age who commit crimes or infractions becomes effective pursuant to this act, the  
756 Advisory Committee shall monitor and review the implementation of the expansion and shall  
757 make additional recommendations to the General Assembly as necessary.

758 **SECTION 16D.4.(qq)** Consultation. – The Advisory Committee shall consult with

759 appropriate State departments, agencies, and board representatives on issues related to juvenile  
760 justice administration.

761 **SECTION 16D.4.(rr)** Report. – By March 1, 2018, the Advisory Committee shall  
762 submit an interim report to the General Assembly with copies to the Joint Legislative Oversight  
763 Committee on Justice and Public Safety and to the Appropriations Committees on Justice and  
764 Public Safety of both houses containing (i) the specific plan and the cost estimates for capital,  
765 operating, and staffing costs for implementation of this section, including legislative,  
766 administrative, and funding recommendations necessary to implement the increase in juvenile  
767 jurisdiction to include 16- and 17-year-old persons and (ii) cost estimates for capital, operating,  
768 and staffing costs if the implementation of this section was staggered based on age. The interim  
769 report shall also include its findings and recommendations as to whether the extension of  
770 jurisdiction in delinquency matters and proceedings should include juveniles who commit the  
771 following offenses:

- 772 (1) Habitual misdemeanor assault (G.S. 14-33.2).
- 773 (2) Crime against nature (G.S. 14-177).
- 774 (3) Obscene literature and exhibitions (G.S. 14-190.1).
- 775 (4) Third degree sexual exploitation of a minor (G.S. 14-190.17A).
- 776 (5) Solicitation of a child by computer to commit an unlawful sex act (G.S. 14-  
777 202.3).
- 778 (6) Stalking when court order in effect (G.S. 14-277.3A).
- 779 (7) The Class A1 offense of misdemeanor assault on a law enforcement officer.
- 780 (8) Assault inflicting serious bodily injury; strangulation (G.S. 14-32.4).
- 781 (9) Fraudulently setting fire to dwelling houses (G.S. 14-65).
- 782 (10) Any offense requiring registration as a sex offender pursuant to Article 27A of  
783 Chapter 14 of the General Statutes.
- 784 (11) Any other offense the Committee deems appropriate for exclusion.

785 The Advisory Committee shall submit additional interim reports with updates on the  
786 planning steps completed towards implementation, including any legislative, administrative, and  
787 funding recommendations, annually by January 15 of each year.

788 The Advisory Committee shall submit a final report on the implementation of this  
789 section and its findings and recommendations, including legislative, administrative, and funding  
790 recommendations, by January 15, 2023, to the General Assembly and the Governor. The Advisory  
791 Committee shall terminate on February 1, 2023, or upon the filing of its final report, whichever  
792 occurs earlier.

793 **SECTION 16D.4.(ss)** Funding. – The Advisory Committee may apply for, receive,  
794 and accept grants of non-State funds or other contributions as appropriate to assist in the  
795 performance of its duties.

796

#### 797 **EFFECTIVE DATES**

798 **SECTION 16D.4.(tt)** Sections 16D.4(a) through 16D.4(s) of this act become  
799 effective December 1, 2019, and apply to offenses committed on or after that date. Sections  
800 16D.4(t) through 16D.4(x) of this act become effective October 1, 2017, and Sections 16D.4(t)  
801 through 16D.4(w) apply to all complaints filed on or after that date. Except as otherwise provided  
802 in this act, the remainder of this act is effective when it becomes law. Prosecutions or delinquency  
803 proceedings initiated for offenses committed before any particular section of this section becomes  
804 effective are not abated or affected by this act, and the statutes that are in effect on the dates the  
805 offenses are committed remain applicable to those prosecutions.

806

#### 807 **SUBPART XVI-E. EMERGENCY MANAGEMENT AND NATIONAL GUARD**

808

809 **SEARCH AND RESCUE CHANGES**

810 **SECTION 16E.2.** Article 6 of Chapter 166A of the General Statutes reads as  
811 rewritten:

812

"Article 6.

813

"~~Urban~~ North Carolina Search and Rescue.

814

**"§ 166A-65. Definitions.**

815

The following definitions apply in this Article:

816

(1) Contract response team. – ~~An urban~~ A search and rescue team, specialty rescue team, or incident support team.

817

818

(2) Incident support team. – A team of trained emergency response personnel, organized to provide coordination between governmental agencies and

819