

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 29*
Committee Substitute Favorable 2/18/94

Short Title: Longer Juvenile Commitments.

(Public)

Sponsors:

Referred to:

February 8, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR COMMITMENT OF JUVENILES ADJUDICATED
3 DELINQUENT FOR CERTAIN FELONY OFFENSES TO AGE EIGHTEEN.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 7A-652(b) reads as rewritten:

6 "(b) Commitment for an offense other than one that would be a Class A, B, C, D,
7 or E felony if committed by an adult shall be for:

8 (1) An indefinite term not to exceed the eighteenth birthday of
9 the juvenile; or

10 (2) A definite term not to exceed two years if the judge finds
11 that the juvenile is 14 years of age or older, has been previously
12 adjudicated delinquent for two or more felony offenses, and has been
13 previously committed to a residential facility operated by the
14 Division of Youth Services. The Division may reduce the duration of
15 the definite commitment by an amount not to exceed twenty-five
16 percent (25%) if the juvenile has not committed any major
17 infractions of the regulations of any facility to which he is assigned,
18 and the Division of Youth Services may move for a reduction of
19 more than twenty-five percent (25%) pursuant to G.S. 7A-664.

20 Commitment for an offense that would be a Class A, B, C, D, or E felony if
21 committed by an adult shall be for a definite term to expire on the earlier of (i) the
22 juvenile's eighteenth birthday or (ii) the expiration of the applicable period for the class
23 of offense in the following table:

<u>Class of Offense</u>	<u>Number of Months</u>
<u>A</u>	<u>Unlimited</u>
<u>B</u>	<u>135</u>
<u>C</u>	<u>63</u>
<u>D</u>	<u>55</u>
<u>E</u>	<u>25"</u>

7 Sec. 2. G.S. 7A-652(b) reads as rewritten:

8 "(b) Commitment for an offense other than one that would be a Class A, B, C, D,
9 or E felony if committed by an adult shall be for:

10 (1) An indefinite term not to exceed the eighteenth birthday of
11 the juvenile; or

12 (2) A definite term not to exceed two years if the judge finds
13 that the juvenile is 14 years of age or older, has been previously
14 adjudicated delinquent for two or more felony offenses, and has been
15 previously committed to a residential facility operated by the
16 Division of Youth Services. The Division may reduce the duration of
17 the definite commitment by an amount not to exceed twenty-five
18 percent (25%) if the juvenile has not committed any major
19 infractions of the regulations of any facility to which he is assigned,
20 and the Division of Youth Services may move for a reduction of
21 more than twenty-five percent (25%) pursuant to G.S. 7A-664.

22 Commitment for an offense that would be a Class A, B, C, D, or E felony if
23 committed by an adult shall be for a definite term to expire on the earlier of (i) the
24 juvenile's eighteenth birthday or (ii) the expiration of the maximum sentence in the
25 presumptive minimum range provided in G.S. 15A-1340.17(c) for the applicable class
26 of offense at prior record level one."

27 Sec. 3. Section 1 of this act becomes effective upon ratification, applies to
28 offenses committed on or after that date, and expires on the date that Section 1 of
29 Chapter 538 of the 1993 Session Laws becomes effective. Section 2 of this act becomes
30 effective on the date that Section 1 of Chapter 538 of the 1993 Session Laws becomes
31 effective and applies to offenses committed on or after that date. The remainder of this
32 act is effective upon ratification.