

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**SESSION LAW 2001-95  
HOUSE BILL 274**

AN ACT TO AMEND CERTAIN STATUTORY TERMS AND REFERENCES  
RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7B-1501(26) is repealed.

**SECTION 2.** G.S. 7B-1501 is amended by adding a new subdivision to read:  
"(29) Youth development center. – A secure residential facility authorized to provide long-term treatment, education, and rehabilitative services for delinquent juveniles committed by the court to the Department."

**SECTION 3.** G.S. 143B-515(21) is repealed.

**SECTION 4.** G.S. 143B-515 is amended by adding a new subdivision to read:

"(23) Youth development center. – A secure residential facility authorized to provide long-term treatment, education, and rehabilitative services for delinquent juveniles committed by the court to the Department."

**SECTION 5.** The Revisor of Statutes shall substitute the term "youth development center" for the term "training school" everywhere that term appears in Chapter 7B of the General Statutes, G.S. 115D-1, 143B-403.1, 143B-516, and 143B-543.

**SECTION 6.** G.S. 143B-478 reads as rewritten:

**"§ 143B-478. Governor's Crime Commission – creation; composition; terms; meetings, etc.**

(a) There is hereby created the Governor's Crime Commission of the Department of Crime Control and Public Safety. The Commission shall consist of 36 voting members and six nonvoting members. The composition of the Commission shall be as follows:

- (1) The voting members shall be:
  - a. The Governor, the Chief Justice of the Supreme Court of North Carolina (or his alternate), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Correction, the Secretary of the Department of Juvenile Justice and Delinquency Prevention, and the Superintendent of Public Instruction;
  - b. A judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, a clerk of superior court, and a district attorney;
  - c. A defense attorney, three sheriffs (one of whom shall be from a "high crime area"), three police executives (one of whom shall be from a "high crime area"), six citizens (two with knowledge of juvenile delinquency and the public school system, two of whom shall be under the age of 21 at the time of their appointment, one representative of a "private juvenile delinquency program," and one in the discretion of the

- Governor), three county commissioners or county officials, and three mayors or municipal officials;
- d. Two members of the North Carolina House of Representatives and two members of the North Carolina Senate.
- (2) The nonvoting members shall be the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Assistant ~~Director~~ Secretary of the ~~Intervention/Prevention Division~~ of the Department of Juvenile Justice and Delinquency Prevention, the Assistant ~~Director~~ Secretary of the ~~Detention Division~~ Youth Development of the Department of Juvenile Justice and Delinquency Prevention, the Director of the Division of Prisons and the Director of the Division of Adult Probation and Paroles.
- (b) The membership of the Commission shall be selected as follows:
- (1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Correction, the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Director of the Division of Prisons, the Director of the Division of Adult Probation and Parole, the Secretary of the Department of Juvenile Justice and Delinquency Prevention, the Assistant ~~Director~~ Secretary of the ~~Intervention/Prevention Division~~ of the Department of Juvenile Justice and Delinquency Prevention, the Assistant ~~Director~~ Secretary of the ~~Detention Division~~ Youth Development of the Department of Juvenile Justice and Delinquency Prevention, and the Superintendent of Public Instruction. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.
  - (2) The following members shall be appointed by the Governor: the district attorney, the defense attorney, the three sheriffs, the three police executives, the six citizens, the three county commissioners or county officials, the three mayors or municipal officials.
  - (3) The following members shall be appointed by the Governor from a list submitted by the Chief Justice of the Supreme Court, which list shall contain no less than three nominees for each position and which list must be submitted within 30 days after the occurrence of any vacancy in the judicial membership: the judge of superior court, the clerk of superior court, the judge of district court specializing in juvenile matters, and the chief district court judge.
  - (4) The two members of the House of Representatives provided by subdivision (a)(1)d. of this section shall be appointed by the Speaker of the House of Representatives and the two members of the Senate provided by subdivision (a)(1)d. of this section shall be appointed by the President Pro Tempore of the Senate. These members shall perform the advisory review of the State plan for the General Assembly as permitted by section 206 of the Crime Control Act of 1976 (Public Law 94-503).
  - (5) The Governor may serve as chairman, designating a vice-chairman to serve at his pleasure, or he may designate a chairman and vice-chairman both of whom shall serve at his pleasure.

(c) The initial members of the Commission shall be those appointed under subsection (b) above, which appointments shall be made by March 1, 1977. The terms of the present members of the Governor's Commission on Law and Order shall expire on February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other than those serving by virtue of their office, to serve staggered terms; seven shall be appointed for one-year terms, seven for two-year terms, and seven for three-year terms. At the end of their respective terms of office their successors shall be appointed for terms of three years and until their successors are appointed and qualified. The Commission members from the House and Senate shall serve two-year terms effective March 1, of each odd-numbered year; and they shall not be disqualified from Commission membership because of failure to seek or attain reelection to the General Assembly, but resignation or removal from office as a member of the General Assembly shall constitute resignation or removal from the Commission. Any other Commission member no longer serving in the office from which he qualified for appointment shall be disqualified from membership on the Commission. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, disability, or disqualification of a member shall be for the balance of the unexpired term.

(d) The Governor shall have the power to remove any member from the Commission for misfeasance, malfeasance or nonfeasance.

(e) The Commission shall meet quarterly and at other times at the call of the chairman or upon written request of at least eight of the members. A majority of the voting members shall constitute a quorum for the transaction of business."

**SECTION 7.** G.S. 143B-264 reads as rewritten:

**"§ 143B-264. Department of Correction – organization.**

The Department of Correction shall be organized initially to include the Post-Release Supervision and Parole Commission, the Board of Correction, the Division of Prisons, ~~the Division of Youth Development~~, the Division of Adult Probation and Parole, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973.

The Department shall establish a Substance Abuse Program. All substance abuse programs established or in existence shall be administered by the Department of Correction under the Substance Abuse Program."

**SECTION 8.** G.S. 148-26(f) reads as rewritten:

"(f) Adult inmates of the State prison system shall be prohibited from working at or being on the premises of any schools or institutions operated or administered by the ~~State Division of Youth Development~~. Youth Development Division of the Department of Juvenile Justice and Delinquency Prevention."

**SECTION 9.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10<sup>th</sup> day of May, 2001.

s/ Beverly E. Perdue  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 12:45 p.m. this 18<sup>th</sup> day of May, 2001