

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2008-169
HOUSE BILL 2492

AN ACT TO AMEND THE REQUIREMENTS FOR RELEASE OF JUVENILE IDENTIFICATION UPON ESCAPE FROM CUSTODY, BASED ON RECOMMENDATIONS BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-3102 reads as rewritten:

"§ 7B-3102. Disclosure of information about juveniles who escape.

(a) Notwithstanding G.S. 7B-2102(d) or any other law to the contrary, within 24 hours of the time a juvenile escapes from custody the Department shall release to the public the juvenile's first name, last initial, and photograph; the name and location of the institution from which the juvenile ~~escaped;~~escaped, or if the juvenile's escape was not from an institution, the circumstances and location of the escape; and a statement, based on the juvenile's record, of the level of concern of the Department as to the juvenile's threat to self or to others, ~~if:~~if

- (1) ~~The the juvenile escapes from a detention facility, secure custody, or a youth development center and the juvenile is alleged to have committed an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.~~has been adjudicated delinquent.
- (2) ~~The juvenile escapes from a youth development center, and the juvenile has been adjudicated delinquent for an offense that would be a felony or a Class A1 misdemeanor if committed by an adult.~~

(b) When a juvenile escapes from a detention facility or secure custody, ~~and the juvenile has been adjudicated for an offense that would be a Class 1, 2, or 3 misdemeanor if committed by an adult,~~ the Department may release to the public within 24 hours the juvenile's first name, last initial, and photograph; the name and location of the institution from which the juvenile escaped, or if the juvenile's escape was not from an institution, the circumstances and location of the escape; and a statement, based on the juvenile's record, of the level of concern of the Department as to the juvenile's threat to self or to ~~others.~~others if both of the following apply:

- (1) The juvenile is alleged to have committed an offense that would be a felony if committed by an adult.
- (2) The Department determines, based on the juvenile's record, that the juvenile presents a danger to self or others.

(c) If a juvenile subject to subsection (a) or (b) of this section is returned to custody before the disclosure required or permitted is made, the Department shall not make the disclosure.

(d) The Department shall maintain a photograph of every juvenile in its custody.

(e) Before information is released to the public under this section, the Department shall make a reasonable effort to notify a parent, legal guardian, or custodian of the juvenile."

SECTION 2. This act becomes effective October 1, 2008.
In the General Assembly read three times and ratified this the 17th day of
July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:47 p.m. this 4th day of August, 2008