

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 280  
Committee Substitute Favorable 5/10/17

Short Title: Juvenile Justice Reinvestment Act.

(Public)

Sponsors:

Referred to:

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO RAISE THE AGE OF JUVENILE JURISDICTION TO INCLUDE SIXTEEN- AND SEVENTEEN-YEAR-OLDS, EXCEPT IN THE CASE OF CERTAIN FELONIES; TO PROVIDE A VICTIM THE OPPORTUNITY TO REQUEST REVIEW OF DECISION NOT TO FILE A PETITION; TO INCREASE THE INFORMATION AVAILABLE ON JUVENILES TO LAW ENFORCEMENT AND FOR COURT PROCEEDINGS; TO AUTHORIZE SCHOOL-JUSTICE PARTNERSHIPS STATEWIDE TO REDUCE SCHOOL-BASED REFERRALS TO THE JUVENILE COURT SYSTEM; TO REQUIRE REGULAR JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS; AND TO ESTABLISH THE JUVENILE JURISDICTION ADVISORY COMMITTEE.

The General Assembly of North Carolina enacts:

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

**SECTION 1.1.** 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.

...

(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 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



1 term may also include a parent, guardian, or custodian of a victim under the  
2 age of 18 years of age.

3 ...."

4 **SECTION 1.2.** G.S. 7B-1601 reads as rewritten:

5 **"§ 7B-1601. Jurisdiction over delinquent juveniles.**

6 (a) The court has exclusive, original jurisdiction over any case involving a juvenile who  
7 is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at  
8 the time of the alleged offense governs.

9 (b) When the court obtains jurisdiction over a juvenile alleged to be  
10 ~~delinquent~~, delinquent for an offense committed prior to the juvenile reaching the age of 16  
11 years, jurisdiction shall continue until terminated by order of the court or until the juvenile  
12 reaches the age of 18 years, except as provided otherwise in this Article.

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

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

24 (c1) When delinquency proceedings for a juvenile alleged to be delinquent for an offense  
25 committed while the juvenile was at least 16 years of age but less than 17 years of age cannot  
26 be concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for  
27 the sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either  
28 transferring the case to superior court for trial as an adult or dismissing the petition. When  
29 delinquency proceedings for a juvenile alleged to be delinquent for an offense committed while  
30 the juvenile was at least 17 years of age cannot be concluded before the juvenile reaches the  
31 age of 20 years, the court retains jurisdiction for the sole purpose of conducting proceedings  
32 pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial  
33 as an adult or dismissing the petition.

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

40 (d1) When the court has not obtained jurisdiction over a juvenile before the juvenile  
41 reaches the age of 19, for a felony and related misdemeanors the juvenile allegedly committed  
42 while the juvenile was at least 16 years of age but less than 17 years of age, the court has  
43 jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this  
44 Chapter and either transferring the case to superior court for trial as an adult or dismissing the  
45 petition. When the court has not obtained jurisdiction over a juvenile before the juvenile  
46 reaches the age of 20, for a felony and related misdemeanors the juvenile allegedly committed  
47 while the juvenile was at least 17 years of age but less than 18 years of age, the court has  
48 jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this  
49 Chapter and either transferring the case to superior court for trial as an adult or dismissing the  
50 petition.

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

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

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

9 **SECTION 1.3.** G.S. 7B-1604(a) reads as rewritten:

10 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who  
11 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~date the juvenile has  
12 reached the age of 18 years is subject to prosecution as an adult. A juvenile who is emancipated  
13 shall be prosecuted as an adult for the commission of a criminal offense."

14 **SECTION 1.4.** G.S. 7B-2200 reads as rewritten:

15 "**§ 7B-2200. Transfer of jurisdiction of a juvenile under the age of 16 to superior court.**

16 ~~After~~Except as otherwise provided in G.S. 7B-2200.5, after notice, hearing, and a finding of  
17 probable cause the court may, upon motion of the prosecutor or the juvenile's attorney or upon  
18 its own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was at least  
19 13 years of age or older but less than 16 years of age at the time the juvenile allegedly  
20 committed an offense that would be a felony if committed by an adult. If the alleged felony  
21 constitutes a Class A felony and the court finds probable cause, the court shall transfer the case  
22 to the superior court for trial as in the case of adults."

23 **SECTION 1.5.** Article 22 of Chapter 7B of the General Statutes is amended by  
24 adding a new section to read:

25 "**§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior**  
26 **court.**

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

31 (1) Notice to the juvenile and a finding by the court that a bill of indictment has  
32 been returned against the juvenile charging the commission of an offense  
33 that constitutes a Class A, B1, B2, C, D, or E felony if committed by an  
34 adult.

35 (2) Notice, hearing, and a finding of probable cause that the juvenile committed  
36 an offense that constitutes a Class A, B1, B2, C, D, or E felony if committed  
37 by an adult.

38 (b) If the juvenile was 16 years of age or older at the time the juvenile allegedly  
39 committed an offense that would be a Class F, G, H, or I felony if committed by an adult, after  
40 notice, hearing, and a finding of probable cause, the court may, upon motion of the prosecutor  
41 or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to  
42 superior court."

43 **SECTION 1.6.** G.S. 7B-2202 reads as rewritten:

44 "**§ 7B-2202. Probable cause hearing.**

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

50 ...

1 (e) If probable cause is found and transfer to superior court is not required by ~~G.S.~~  
2 ~~7B-2200~~, G.S. 7B-2200 or G.S. 7B-2200.5, upon motion of the prosecutor or the juvenile's  
3 attorney or upon its own motion, the court shall either proceed to a transfer hearing or set a date  
4 for that hearing. If the juvenile has not received notice of the intention to seek transfer at least  
5 five days prior to the probable cause hearing, the court, at the request of the juvenile, shall  
6 continue the transfer hearing.

7 ...."

8 **SECTION 1.7.** G.S. 7B-2506 reads as rewritten:

9 **"§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

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

13 (1) In the case of any juvenile under the age of 18 years who needs more  
14 adequate care or supervision or who needs placement, the judge may:

- 15 a. Require that a juvenile be supervised in the juvenile's own home by  
16 the department of social services in the juvenile's county, a juvenile  
17 court counselor, or other personnel as may be available to the court,  
18 subject to conditions applicable to the parent, guardian, or custodian  
19 or the juvenile as the judge may specify; or
- 20 b. Place the juvenile in the custody of a parent, guardian, custodian,  
21 relative, private agency offering placement services, or some other  
22 suitable person; or
- 23 c. If the director of the county department of social services has  
24 received notice and an opportunity to be heard, place the juvenile in  
25 the custody of the department of social services in the county of his  
26 residence, or in the case of a juvenile who has legal residence outside  
27 the State, in the physical custody of a department of social services in  
28 the county where the juvenile is found so that agency may return the  
29 juvenile to the responsible authorities in the juvenile's home state. An  
30 order placing a juvenile in the custody or placement responsibility of  
31 a county department of social services shall contain a finding that the  
32 juvenile's continuation in the juvenile's own home would be contrary  
33 to the juvenile's best interest. This placement shall be reviewed in  
34 accordance with G.S. 7B-906.1. The director may, unless otherwise  
35 ordered by the judge, arrange for, provide, or consent to, needed  
36 routine or emergency medical or surgical care or treatment. In the  
37 case where the parent is unknown, unavailable, or unable to act on  
38 behalf of the juvenile or juveniles, the director may, unless otherwise  
39 ordered by the judge, arrange for, provide, or consent to any  
40 psychiatric, psychological, educational, or other remedial evaluations  
41 or treatment for the juvenile placed by a judge or his designee in the  
42 custody or physical custody of a county department of social services  
43 under the authority of this or any other Chapter of the General  
44 Statutes. Prior to exercising this authority, the director shall make  
45 reasonable efforts to obtain consent from a parent, guardian, or  
46 custodian of the affected juvenile. If the director cannot obtain  
47 consent, the director shall promptly notify the parent, guardian, or  
48 custodian that care or treatment has been provided and shall give the  
49 parent, guardian, or custodian frequent status reports on the  
50 circumstances of the juvenile. Upon request of a parent, guardian, or  
51 custodian of the affected juvenile, the results or records of the

1                   aforementioned evaluations, findings, or treatment shall be made  
2                   available to the parent, guardian, or custodian by the director unless  
3                   prohibited by G.S. 122C-53(d).

4           (2)   Excuse ~~the~~ juvenile under the age of 16 years from compliance with the  
5           compulsory school attendance law when the court finds that suitable  
6           alternative plans can be arranged by the family through other community  
7           resources for one of the following:

- 8           a.     An education related to the needs or abilities of the juvenile  
9           including vocational education or special education;  
10          b.     A suitable plan of supervision or placement; or  
11          c.     Some other plan that the court finds to be in the best interests of the  
12          juvenile.

13           ...."

14           **SECTION 1.8.** G.S. 7B-2507 reads as rewritten:

15   "**§ 7B-2507. Delinquency history levels.**

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

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

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

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

25           (2a) For each prior conviction of a Class A through E felony offense, 4 points.

26           (2b) For each prior conviction of a Class F through I felony or Class A1  
27           misdemeanor offense, excluding conviction of the motor vehicle laws, 2  
28           points.

29           (2c) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),  
30           impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor  
31           death by vehicle (G.S. 20-141.4(a2)), 2 points.

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

34           (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,  
35           excluding conviction for violation of the motor vehicle laws, 1 point.

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

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

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

40           (1)   Low – No more than 1 point.

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

42           (3)   High – At least 4 points.

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

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

1 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. –  
2 Except as otherwise provided in this subsection, an adjudication or conviction occurring in a  
3 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in  
4 which the offense occurred classifies the offense as a felony, or is classified as a Class 3  
5 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a  
6 misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense  
7 classified as a felony in the other jurisdiction is substantially similar to an offense that is a  
8 misdemeanor in North Carolina, the adjudication or conviction is treated as that class of  
9 misdemeanor for assigning delinquency history level points. If the State proves by the  
10 preponderance of the evidence that an offense classified as either a misdemeanor or a felony in  
11 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as  
12 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for  
13 assigning delinquency history level points. If the State proves by the preponderance of the  
14 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially  
15 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication  
16 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level  
17 points.

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

- 20 (1) Stipulation of the parties.
- 21 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication  
22 or conviction.
- 23 (3) A copy of records maintained by the Department of Public Safety or by the  
24 Division.
- 25 (4) Any other method found by the court to be reliable.

26 The State bears the burden of proving, by a preponderance of the evidence, that a prior  
27 adjudication or conviction exists and that the juvenile before the court is the same person as the  
28 juvenile named in the prior ~~adjudication.~~ adjudication or conviction. The original or a copy of  
29 the court records or a copy of the records maintained by the Department of Public Safety or of  
30 the Division, bearing the same name as that by which the juvenile is charged, is prima facie  
31 evidence that the juvenile named is the same person as the juvenile before the court, and that  
32 the facts set out in the record are true. For purposes of this subsection, "a copy" includes a  
33 paper writing containing a reproduction of a record maintained electronically on a computer or  
34 other data processing equipment, and a document produced by a facsimile machine. The  
35 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full  
36 record. Evidence presented by either party at trial may be utilized to prove prior  
37 ~~adjudications.~~ adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish  
38 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time  
39 sufficient to allow the juvenile to determine if the record available to the prosecutor is  
40 accurate."

41 **SECTION 1.9.** G.S. 7B-2513(a) reads as rewritten:

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

45 (a1) ~~In no event shall~~ For an offense the juvenile committed prior to reaching the age of  
46 16 years, the term shall not exceed:

- 47 (1) The twenty-first birthday of the juvenile if the juvenile has been committed  
48 to the Division for an offense that would be first-degree murder pursuant to  
49 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree  
50 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense

1 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant  
2 to G.S. 14-27.29 if committed by an adult;

3 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to  
4 the Division for an offense that would be a Class B1, B2, C, D, or E felony if  
5 committed by an adult, other than an offense set forth in subdivision (1) of  
6 this subsection; or

7 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to  
8 the Division for an offense other than an offense that would be a Class A,  
9 B1, B2, C, D, or E felony if committed by an adult.

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

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

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

24 **SECTION 1.10.** G.S. 7B-2515 reads as rewritten:

25 **"§ 7B-2515. Notification of extended commitment; plan of treatment.**

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

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

48 (a2) In determining whether a juvenile who was committed to the Division for an offense  
49 that was committed while the juvenile was at least 17 years of age but less than 18 years of age  
50 should be released before the juvenile's twentieth birthday, the Division shall consider the  
51 protection of the public and the likelihood that continued placement will lead to further

1 rehabilitation. If the Division does not intend to release the juvenile prior to the juvenile's  
2 twentieth birthday, or if the Division determines that the juvenile's commitment should be  
3 continued beyond the maximum commitment period as set forth in G.S. 7B-2513(a4), the  
4 Division shall notify the juvenile and the juvenile's parent, guardian, or custodian in writing, at  
5 least 30 days in advance of the juvenile's twentieth birthday or the end of the maximum  
6 commitment period, of the additional specific commitment period proposed by the Division,  
7 the basis for extending the commitment period, and the plan for future care or treatment.

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

16 (c) The juvenile and the juvenile's parent, guardian, or custodian may request a review  
17 by the court of the Division's decision to extend the juvenile's commitment ~~beyond the~~  
18 ~~juvenile's eighteenth birthday or maximum commitment period,~~ pursuant to this section, in  
19 which case the court shall conduct a review hearing. The court may modify the Division's  
20 decision and the juvenile's maximum commitment period. If the juvenile or the juvenile's  
21 parent, guardian, or custodian does not request a review of the Division's decision, the  
22 Division's decision shall become the juvenile's new maximum commitment period."

23 **SECTION 1.11.** G.S. 7B-2603(b) reads as rewritten:

24 "(b) Once an order of transfer has been entered by the district court, the juvenile has the  
25 right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. ~~The~~  
26 ~~release order shall specify the person or persons to whom the juvenile may be released. Pending~~  
27 ~~release, the court shall order that the juvenile be detained in a detention facility while awaiting~~  
28 ~~trial. The court may order the juvenile to be held in a holdover facility as defined by G.S.~~  
29 ~~7B-1501 at any time the presence of the juvenile is required in court for pretrial hearings or~~  
30 ~~trial, if the court finds that it would be inconvenient to return the juvenile to the detention~~  
31 ~~facility. Any detention of the juvenile pending release shall be in accordance with~~  
32 G.S. 7B-2204."

33 **SECTION 1.12.** G.S. 7B-3101(a)(2) reads as rewritten:

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

36 **SECTION 1.13.** G.S. 5A-31(a) reads as rewritten:

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

40 "...."

41 **SECTION 1.14.** G.S. 5A-34(b) reads as rewritten:

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

44 (1) ~~Is 16 years of age or older;~~

45 (2) Is married or otherwise emancipated; or

46 (3) Before the act or omission, was convicted in superior court of any criminal  
47 offense."

48 **SECTION 1.15.** G.S. 14-208.6B reads as rewritten:

49 **"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in**  
50 **superior court.**



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

5 **SECTION 1.16.** G.S. 14-316.1 reads as rewritten:

6 "**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

12 It is not necessary for the district court exercising juvenile jurisdiction to make an  
13 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to  
14 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of  
15 the Department of Public Safety under this section. An adjudication that a juvenile is  
16 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a  
17 parent or any other person including an employee of the Division of Juvenile Justice of the  
18 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or  
19 neglected condition of any juvenile."

20 **SECTION 1.17.** G.S. 115C-404(a) reads as rewritten:

21 "(a) Written notifications received in accordance with G.S. 7B-3101 and information  
22 gained from examination of juvenile records in accordance with G.S. 7B-3100 are confidential  
23 records, are not public records as defined under G.S. 132-1, and shall not be made part of the  
24 student's official record under G.S. 115C-402. Immediately upon receipt, the principal shall  
25 maintain these documents in a safe, locked record storage that is separate from the student's  
26 other school records. The principal shall shred, burn, or otherwise destroy documents received  
27 in accordance with G.S. 7B-3100 to protect the confidentiality of the information when the  
28 principal receives notification that the court dismissed the petition under G.S. 7B-2411, the  
29 court transferred jurisdiction over the student to superior court under G.S. 7B-2200.5 or  
30 G.S. 7B-2200, or the court granted the student's petition for expunction of the records. The  
31 principal shall shred, burn, or otherwise destroy all information gained from examination of  
32 juvenile records in accordance with G.S. 7B-3100 when the principal finds that the school no  
33 longer needs the information to protect the safety of or to improve the educational opportunities  
34 for the student or others. In no case shall the principal make a copy of these documents."

35 **SECTION 1.18.** G.S. 143B-805(6) reads as rewritten:

36 "(6) Delinquent juvenile. –

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

42 b. Any juvenile who, while less than 18 years of age but at least 16  
43 years of age, commits a misdemeanor or infraction under State law or  
44 under an ordinance of local government, excluding violation of the  
45 motor vehicle laws, or who commits indirect contempt by a juvenile  
46 as defined in G.S. 5A-31."

47 **SECTION 1.19.** G.S. 143B-806(b) is amended by adding a new subdivision to  
48 read:

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

**PART II. VICTIM REQUEST/REVIEW OF DECISION NOT TO FILE A PETITION****SECTION 2.1.** G.S. 7B-1703(c) reads as rewritten:

"(c) If the juvenile court counselor determines that a petition should not be filed, the juvenile court counselor shall notify the complainant and the victim, if the complainant is not the victim, immediately in writing with specific reasons for the decision, whether or not legal sufficiency was found, and whether the matter was closed or diverted and retained, and shall include notice of the complainant's and victim's right to have the decision reviewed by the prosecutor. The juvenile court counselor shall sign the complaint after indicating on it:

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

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

**SECTION 2.2.** G.S. 7B-1704 reads as rewritten:**"§ 7B-1704. Request for review by prosecutor.**

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

**SECTION 2.3.** G.S. 7B-1705 reads as rewritten:**"§ 7B-1705. Review of determination that petition should not be filed.**

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

**SECTION 2.4.** G.S. 143B-806(b) is amended by adding a new subdivision to read:

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

**PART III. INCREASE INFORMATION AVAILABLE ON JUVENILES TO LAW ENFORCEMENT AND FOR COURT PROCEEDINGS****SECTION 3.1.** G.S. 7B-3001 reads as rewritten:**"§ 7B-3001. Other records relating to juveniles.**

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

(a1) To assist at the time of investigation of an incident that could result in the filing of a complaint, upon request, a juvenile court counselor shall share with a law enforcement officer

1 sworn in this State information from the juvenile court counselor's record related to a juvenile's  
2 delinquency record or prior consultations with law enforcement. A law enforcement officer  
3 may not obtain copies of any part of the record, and all information shared pursuant to this  
4 subsection shall be withheld from public inspection as provided in subsection (b) of this  
5 section.

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

- 11 (1) The juvenile or the juvenile's attorney;
- 12 (2) The juvenile's parent, guardian, custodian, or the authorized representative of  
13 the juvenile's parent, guardian, or custodian;
- 14 (3) The prosecutor;
- 15 (4) Juvenile court counselors; and
- 16 (5) Law enforcement officers sworn in this State.

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

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

- 21 (1) The juvenile and the juvenile's attorney;
- 22 (2) The juvenile's parent, guardian, custodian, or the authorized representative of  
23 the juvenile's parent, guardian, or custodian;
- 24 (3) Professionals in the agency who are directly involved in the juvenile's case;  
25 and
- 26 (4) Juvenile court counselors.

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

29 (d) When the Section of Community Corrections of the Division of Adult Correction of  
30 the Department of Public Safety is authorized to access a juvenile record pursuant to  
31 G.S. 7B-3000(e1), the Division may, at the request of the Section of Community Corrections of  
32 the Division of Adult Correction, notify the Section of Community Corrections of the Division  
33 of Adult Correction that there is a juvenile record of an adjudication of delinquency for an  
34 offense that would be a felony if committed by an adult for a person subject to probation  
35 supervision under Article 82 of Chapter 15A of the General Statutes and may notify the Section  
36 of Community Corrections of the Division of Adult Correction of the county or counties where  
37 the adjudication of delinquency occurred."

38 **SECTION 3.2.(a)** By July 1, 2018, the Administrative Office of the Courts shall  
39 expand access to its automated electronic information management system for juvenile courts,  
40 JWise, to include prosecutors and attorneys representing juveniles in juvenile court  
41 proceedings. Access shall be limited to examining electronic records related to juvenile  
42 delinquency information. Other information contained in JWise, such as any records pertaining  
43 to abuse, neglect, and dependency or termination of parental rights, shall not be made available  
44 to a prosecutor or juvenile's attorney through JWise.

45 **SECTION 3.2.(b)** Due to the increased mobility of North Carolina citizens across  
46 counties, the Administrative Office of the Courts shall develop statewide inquiry access for  
47 JWise users that corresponds to access to juvenile court records as authorized under Chapter 7B  
48 of the General Statutes by July 1, 2018.

49  
50 **PART IV. SCHOOL-JUSTICE PARTNERSHIPS TO REDUCE SCHOOL-BASED**  
51 **REFERRALS TO JUVENILE COURTS**

1           **SECTION 4.** G.S. 7A-343 reads as rewritten:

2   "**§ 7A-343. Duties of Director.**

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

5       ...

6       (9g)   Prescribe policies and procedures for chief district court judges to establish  
7           school-justice partnerships with local law enforcement agencies, local  
8           boards of education, and local school administrative units with the goal of  
9           reducing in-school arrests, out-of-school suspensions, and expulsions.

10       ...."

11  
12 **PART V. JUVENILE JUSTICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

13           **SECTION 5.(a)** G.S. 17C-6(a) reads as rewritten:

14   "**§ 17C-6. Powers of Commission.**

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

18       ...

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

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

26       b.    Education and training on juvenile justice issues, including (i) the  
27           handling and processing of juvenile matters for referrals, diversion,  
28           arrests, and detention; (ii) best practices for handling incidents  
29           involving juveniles; (iii) adolescent development and psychology;  
30           and (iv) promoting relationship building with youth as a key to  
31           delinquency prevention.

32       ...

33       (14)  Establish minimum standards for in-service training for criminal justice  
34 officers. In-service training standards shall include all of the following:

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

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

44       (15)  Establish minimum standards and levels of training for certification of  
45 instructors for the domestic violence training and juvenile justice training  
46 required by subdivisions (2) and (14) of this subsection.

47       ...."

48           **SECTION 5.(b)** G.S. 17E-4(a) reads as rewritten:

49   "**§ 17E-4. Powers and duties of the Commission.**

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

4 ...  
5 (2) Establish minimum educational and training standards that may be met in  
6 order to qualify for entry level employment as an officer in temporary or  
7 probationary status or in a permanent position. The standards for entry level  
8 employment of officers shall include all of the following:

9 a. Training—training in response to, and investigation of, domestic  
10 violence cases, as well as training in investigation for evidence-based  
11 prosecutions. For purposes of the domestic violence training  
12 requirement, the term "officers" shall include justice officers as  
13 defined in G.S. 17E-2(3)a., except that the term shall not include  
14 "special deputy sheriffs" as defined in ~~G.S.~~  
15 ~~17E-2(3)a.;~~G.S. 17E-2(3)a.

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

22 ...  
23 (11) Establish minimum standards for in-service training for justice officers.  
24 In-service training standards shall include all of the following:

25 a. Training—training in response to, and investigation of, domestic  
26 violence cases, as well as training in investigation for evidence-based  
27 prosecutions. For purposes of the domestic violence training  
28 requirement, the term "justice officer" shall include those defined in  
29 G.S. 17E-2(3)a., except that the term shall not include "special  
30 deputy sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.

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

37 (12) Establish minimum standards and levels of training for certification of  
38 instructors for the domestic violence training and juvenile justice training  
39 required by subdivisions (2) and (11) of this subsection.

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

46 **SECTION 5.(c)** In developing and implementing the education and training  
47 required by subsections (a) and (b) of this section, the North Carolina Criminal Justice  
48 Education and Training Standards Commission and the North Carolina Sheriffs' Education and  
49 Training Standards Commission shall work with the Division of Adult Correction and Juvenile  
50 Justice of the Department of Public Safety.

**PART VI. JUVENILE GANG SUPPRESSION**

**SECTION 6.1.(a)** G.S. 7B-1702 reads as rewritten:

**"§ 7B-1702. Evaluation.**

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

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

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

**SECTION 6.1.(b)** The Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall develop a gang assessment instrument to be used in Section 6.1(a) of this act. The form shall be developed in consultation with the administrator of the GangNET database maintained by the North Carolina State Highway Patrol, and the Division may also consult with other entities that might provide information relevant to the development of an effective assessment tool.

**SECTION 6.2.(a)** G.S. 7B-2508 is amended by adding a new subsection to read:

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

**SECTION 6.2.(b)** Article 25 of Chapter 7B of the General Statutes is amended by adding a new section to read:

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

Definitions. – The following definitions apply in this Article:

- (1) Criminal gang. – Any ongoing organization, association, or group of three or more persons, whether formal or informal, that (i) has as one of its primary activities the commission of criminal or delinquent acts and (ii) shares a common name, identification, signs, symbols, tattoos, graffiti, attire, or other distinguishing characteristics, including common activities, customs, or behaviors. The term shall not include three or more persons associated in fact, whether formal or informal, who are not engaged in criminal gang activity.
- (2) Criminal gang activity. – The commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (i) any offense under Article 5 of Chapter 90 of the General Statutes or (ii) any offense under Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313 thereof, and either of the following conditions is met:
  - a. The offense is committed with the intent to benefit, promote, or further the interests of a criminal gang or for the purposes of increasing a person's own standing or position within a criminal gang.

- 1                    b. The participants in the offense are identified as criminal gang  
2                    members acting individually or collectively to further any criminal  
3                    purpose of a criminal gang.  
4                    (3) Criminal gang member. – Any person who meets three or more of the  
5                    following criteria:  
6                    a. The person admits to being a member of a criminal gang.  
7                    b. The person is identified as a criminal gang member by a reliable  
8                    source, including a parent or a guardian.  
9                    c. The person has been previously involved in criminal gang activity.  
10                   d. The person has adopted symbols, hand signs, or graffiti associated  
11                   with a criminal gang.  
12                   e. The person has adopted the display of colors or the style of dress  
13                   associated with a criminal gang.  
14                   f. The person is in possession of or linked to a criminal gang by  
15                   physical evidence, including photographs, ledgers, rosters, written or  
16                   electronic communications, or membership documents.  
17                   g. The person has tattoos or markings associated with a criminal gang.  
18                   h. The person has adopted language or terminology associated with a  
19                   criminal gang.  
20                   i. The person appears in any form of social media to promote a  
21                   criminal gang."

22                   **SECTION 6.3.** G.S. 7B-3001(a) reads as rewritten:

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

30                   **SECTION 6.4.** Subsection (b) of Section 6.1 is effective when it becomes law. The  
31 remainder of this Part becomes effective December 1, 2019, and applies to offenses committed  
32 on or after that date.

## 33

### 34 **PART VII. ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE**

35                   **SECTION 7.(a)** Advisory Committee Established. – There is established within  
36 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the  
37 Juvenile Jurisdiction Advisory Committee. The Division of Adult Correction and Juvenile  
38 Justice shall provide professional and clerical staff and other services and supplies, including  
39 meeting space, as needed for the Advisory Committee to carry out its duties in an effective  
40 manner.

41                   **SECTION 7.(b)** Membership. – The Advisory Committee shall consist of 21  
42 members. The following members or their designees shall serve as ex officio members:

- 43                   (1) The Deputy Commissioner for Juvenile Justice of the Division of Adult  
44 Correction and Juvenile Justice of the Department of Public Safety.  
45                   (2) The Director of the Administrative Office of the Courts.  
46                   (3) The Director of the Division of Mental Health, Developmental Disabilities,  
47 and Substance Abuse Services of the Department of Health and Human  
48 Services.  
49                   (4) The Superintendent of Public Instruction.  
50                   (5) The Juvenile Defender in the Office of Indigent Defense.

- 1 (6) The Executive Director of the North Carolina Sentencing and Policy  
2 Advisory Commission.
- 3 (7) One representative from the Juvenile Justice Planning Committee of the  
4 Governor's Crime Commission.
- 5 The remaining members shall be appointed as follows:
- 6 (8) Two chief court counselors appointed by the Governor, one to be from a  
7 rural county and one from an urban county.
- 8 (9) One chief district court judge and one superior court judge appointed by the  
9 Chief Justice of the North Carolina Supreme Court.
- 10 (10) One police chief appointed by the President Pro Tempore of the Senate.
- 11 (11) One sheriff appointed by the Speaker of the House of Representatives.
- 12 (12) One clerk of superior court appointed by the President Pro Tempore of the  
13 Senate.
- 14 (13) One district attorney appointed by the Speaker of the House of  
15 Representatives.
- 16 (14) One assistant district attorney who handles juvenile matters appointed by the  
17 Conference of District Attorneys.
- 18 (15) One assistant public defender who handles juvenile matters appointed by the  
19 North Carolina Association of Public Defenders.
- 20 (16) Two representatives from the juvenile advocacy community, one appointed  
21 by the President Pro Tempore of the Senate and one appointed by the  
22 Speaker of the House of Representatives.
- 23 (17) Two representatives from the victim advocacy community, one appointed by  
24 the President Pro Tempore of the Senate and one appointed by the Speaker  
25 of the House of Representatives.

26 Appointments to the Advisory Committee shall be made no later than October 1,  
27 2017. A vacancy in the Advisory Committee or a vacancy as chair of the Advisory Committee  
28 resulting from the resignation of a member or otherwise shall be filled in the same manner in  
29 which the original appointment was made.

30 **SECTION 7.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and  
31 the Speaker of the House of Representatives shall each designate one member to serve as  
32 cochair of the Advisory Committee.

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

37 **SECTION 7.(d)** Cooperation by Government Agencies. – The Advisory  
38 Committee may call upon any department, agency, institution, or officer of the State or any  
39 political subdivision thereof for facilities, data, or other assistance.

40 **SECTION 7.(e)** Duties of Advisory Committee. – The Advisory Committee shall  
41 develop a specific plan for the implementation of any changes in the juvenile justice system  
42 that would be required in order to extend jurisdiction in delinquency matters and proceedings to  
43 include 16- and 17-year-old persons within the juvenile justice system. The plan shall include  
44 cost estimates for each portion of the plan, including capital costs, operating costs, and staffing  
45 costs. As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons  
46 16 and 17 years of age who commit crimes or infractions becomes effective pursuant to this  
47 act, the Advisory Committee shall monitor and review the implementation of the expansion and  
48 shall make additional recommendations to the General Assembly as necessary.

49 **SECTION 7.(f)** Consultation. – The Advisory Committee shall consult with  
50 appropriate State departments, agencies, and board representatives on issues related to juvenile  
51 justice administration.



1           **SECTION 7.(g)** Report. – The Advisory Committee shall submit an interim report  
2 containing the specific plan and the cost estimates for capital, operating, and staffing costs for  
3 implementation of this act, and including legislative, administrative, and funding  
4 recommendations necessary to implement the increase in juvenile jurisdiction to include  
5 16- and 17-year-old persons by April 1, 2018, to the General Assembly with copies to the Joint  
6 Legislative Oversight Committee on Justice and Public Safety and to the Appropriations  
7 Committees on Justice and Public Safety of both houses. The Advisory Committee shall submit  
8 additional interim reports with updates on the planning steps completed towards  
9 implementation, including any legislative, administrative, and funding recommendations,  
10 annually by January 15 of each year. The Advisory Committee shall submit a final report on  
11 the implementation of this act and its findings and recommendations, including legislative,  
12 administrative, and funding recommendations, by January 15, 2023, to the General Assembly  
13 and the Governor. The Advisory Committee shall terminate on February 1, 2023, or upon the  
14 filing of its final report, whichever occurs earlier.

15           **SECTION 7.(h)** Funding. – The Advisory Committee may apply for, receive, and  
16 accept grants of non-State funds or other contributions as appropriate to assist in the  
17 performance of its duties.

#### 18 **PART VIII. EFFECTIVE DATE**

19           **SECTION 8.** Part I of this act becomes effective December 1, 2019, and applies to  
20 offenses committed on or after that date. Part II and Section 3.1 of this act become effective  
21 July 1, 2017, and Part II applies to all complaints filed on or after that date. Except as otherwise  
22 provided in this act, the remainder of this act is effective when it becomes law. Prosecutions or  
23 delinquency proceedings initiated for offenses committed before any particular section of this  
24 act becomes effective are not abated or affected by this act, and the statutes that are in effect on  
25 the dates the offenses are committed remain applicable to those prosecutions.  
26