

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 1007
Committee Substitute Favorable 6/7/22
Committee Substitute #2 Favorable 6/22/22

Short Title: Authorize Concurrent Juvenile Jurisdiction.

(Public)

Sponsors:

Referred to:

May 23, 2022

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE STATE TO EXERCISE CONCURRENT JURISDICTION
3 FOR OFFENSES COMMITTED BY JUVENILES ON UNITED STATES MILITARY
4 BASES LOCATED WITHIN THE STATE AND TO ALLOW ALL SPECIAL AGENTS
5 OF THE DEPARTMENT OF DEFENSE TO ASSIST STATE AND LOCAL LAW
6 ENFORCEMENT UPON REQUEST.

7 The General Assembly of North Carolina enacts:

8 SECTION 1.(a) G.S. 104-11.1 reads as rewritten:

9 "**§ 104-11.1. Governor may accept a retrocession of jurisdiction over federal ~~areas~~areas;**
10 **authorization for concurrent juvenile jurisdiction.**

11 (a) Whenever a duly authorized official or agent of the United States, acting pursuant to
12 authority conferred by the Congress, notifies the Governor or any other State official, department
13 or agency, that the United States desires or is willing to relinquish to the State the jurisdiction, or
14 a portion thereof, held by the United States over the lands designated in such notice, the Governor
15 may, in his discretion, accept such relinquishment. Such acceptance may be made by sending a
16 notice of acceptance to the official or agent designated by the United States to receive such notice
17 of acceptance. The Governor shall send a signed copy of the notice of acceptance, together with
18 the notice of relinquishment received from the United States, to the Secretary of State, who shall
19 maintain a permanent file of said notices.

20 Upon the sending of said notice of acceptance to the designated official or agent of the United
21 States, the State shall immediately have such jurisdiction over the lands designated in the notice
22 of relinquishment as said notice shall specify.

23 The provisions of this ~~section~~subsection shall apply to the relinquishment of jurisdiction
24 acquired by the United States under the provisions of this Chapter or any other provision of law.

25 (b) Notwithstanding any other provision of this Article, the State shall exercise
26 concurrent jurisdiction with the United States over a military installation of the United States
27 Department of Defense located within the State in a matter relating to a violation of federal law
28 by a juvenile within the boundaries of that military installation, if all of the following criteria are
29 met:

30 (1) The United States Attorney, or the United States District Court, for the
31 applicable district in North Carolina waives exclusive jurisdiction.

32 (2) The violation of federal law is also a crime or infraction under State law."

33 SECTION 1.(b) Article 16 of Chapter 7B of the General Statutes is amended by
34 adding a new section to read:

35 "**§ 7B-1605. Jurisdiction over certain delinquent juveniles.**



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1 When concurrent jurisdiction has been established pursuant to G.S. 104-11.1(b), the court
 2 has exclusive original jurisdiction over any case involving a juvenile who is alleged to be
 3 delinquent as the result of an act committed within the boundaries of a military installation that
 4 is a crime or infraction under State law."

5 **SECTION 1.(c)** G.S. 7B-1501 reads as rewritten:

6 "**§ 7B-1501. Definitions.**

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

9 ...

10 (27b) Vulnerable juvenile. –

- 11 a. Any juvenile who, while less than 10 years of age but at least 6 years
 12 of age, commits a crime or infraction under State law or under an
 13 ordinance of local government, including violation of the motor
 14 vehicle laws, and is not a delinquent juvenile.
 15 b. Any juvenile who, while less than 10 years of age but at least 6 years
 16 of age, commits an act within the boundaries of a military installation
 17 that is a crime or infraction under State law and is not a delinquent
 18 juvenile.

19"

20 **SECTION 1.(d)** This section becomes effective December 1, 2022, and applies to
 21 acts committed on or after that date.

22 **SECTION 2.(a)** G.S. 15A-406(a) reads as rewritten:

23 "(a) For purposes of this section, "federal law enforcement officer" means any of the
 24 following persons who are employed as full-time law enforcement officers by the federal
 25 government and who are authorized to carry firearms in the performance of their duties:

- 26 (1) United States Secret Service special ~~agents;~~agents.
 27 (2) Federal Bureau of Investigation special ~~agents;~~agents.
 28 (3) Bureau of Alcohol, Tobacco and Firearms special ~~agents;~~agents.
 29 (4) ~~United States Naval Investigative Service special agents;~~Special agents of the
 30 Department of Defense, including:
 31 a. Army Criminal Investigation Division.
 32 b. Naval Criminal Investigative Service.
 33 c. Air Force Office of Special Investigations.
 34 d. Defense Criminal Investigative Service.
 35 (5) Drug Enforcement Administration special ~~agents;~~agents.
 36 (6) United States Customs Service ~~officers;~~officers.
 37 (7) United States Postal Service ~~inspectors;~~inspectors.
 38 (8) Internal Revenue Service special ~~agents;~~agents.
 39 (9) United States Marshals Service marshals and ~~deputies;~~deputies.
 40 (10) United States Forest Service ~~officers;~~officers.
 41 (11) National Park Service ~~officers;~~officers.
 42 (12) United States Fish and Wildlife Service ~~officers;~~officers.
 43 (13) Immigration and Naturalization Service ~~officers;~~officers.
 44 (14) Tennessee Valley Authority ~~officers;~~ and officers.
 45 (15) Veterans Administration police officers."

46 **SECTION 2.(b)** This section is effective when it becomes law.

47 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
 48 law.