

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 252

Short Title: Various Raise the Age Changes/JJAC Recs. (Public)

Sponsors: Representatives McNeill, C. Smith, Richardson, and Greene (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 10, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE JUVENILE JUSTICE REINVESTMENT ACT BASED ON
3 LEGISLATIVE RECOMMENDATIONS OF THE JUVENILE JURISDICTION
4 ADVISORY COMMITTEE.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. YOUTH DETENTION CENTERS COMMITMENT CHANGES**

8 **SECTION 1.(a)** G.S. 7B-2513 reads as rewritten:

9 "**§ 7B-2513. Commitment of delinquent juvenile to Division.**

10 ...

11 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
12 but less than 17 years of age, the term shall not ~~exceed the~~ exceed:

13 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
14 the Division for an offense that would be first-degree murder pursuant to
15 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
16 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
17 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to
18 G.S. 14-27.29 if committed by an adult;

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

23 (3) The juvenile's nineteenth birthday-birthday if the juvenile has been committed
24 to the Division for an offense other than an offense that would be a Class A,
25 B1, B2, C, D, or E felony if committed by an adult.

26 (a3) For an offense the juvenile committed while the juvenile was at least 17 years of age,
27 the term shall not ~~exceed the~~ exceed:

28 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
29 the Division for an offense that would be a Class A, B1, B2, C, D, or E felony
30 if committed by an adult; or

31 (2) The juvenile's twentieth birthday-birthday if the juvenile has been committed
32 to the Division for an offense other than an offense that would be a Class A,
33 B1, B2, C, D, or E felony if committed by an adult.

34"

35 **SECTION 1.(b)** G.S. 7B-1601(b1) reads as rewritten:



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1 "(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
2 offense committed while the juvenile was at least 16 years of age but less than 17 years of age,
3 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
4 age of 19 ~~years-years~~, except as provided otherwise in this Article. If the offense was committed
5 while the juvenile was at least 17 years of age, jurisdiction shall continue until terminated by
6 order of the court or until the juvenile reaches the age of 20 ~~years-years~~, except as provided
7 otherwise in this Article."

8 **SECTION 1.(c)** G.S. 7B-1602 reads as rewritten:

9 "**§ 7B-1602. Extended jurisdiction over a delinquent juvenile under certain circumstances.**

10 ...

11 (b) When a juvenile is committed to the Division for placement in a youth development
12 center for an offense committed under the age of 16 that would be a Class B1, B2, C, D, or E
13 felony if committed by an adult, other than an offense set forth in subsection (a) of this section,
14 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
15 age of 19 years, whichever occurs first.

16 (c) When a juvenile is committed to the Division for placement in a youth development
17 center for an offense committed while the juvenile was at least 16 years of age but less than 17
18 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than
19 an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated
20 by order of the court or until the juvenile reaches the age of 20 years, whichever occurs first.

21 (d) When a juvenile is committed to the Division for placement in a youth development
22 center for an offense committed while at least 17 years of age that would be a Class B1, B2, C,
23 D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this
24 section, jurisdiction shall continue until terminated by order of the court or until the juvenile
25 reaches the age of 21 years, whichever occurs first."

26 **SECTION 1.(d)** G.S. 7B-2514(c) reads as rewritten:

27 "(c) The Division shall release a juvenile under a plan of post-release supervision at least
28 90 days prior ~~to~~ to one of the following:

- 29 (1) Completion of the juvenile's definite term of ~~commitment~~; or commitment.
- 30 (2) The juvenile's twenty-first birthday if the juvenile has been committed to the
31 Division for an offense that would be first-degree murder pursuant to
32 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
33 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
34 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to
35 G.S. 14-27.29 if committed by an adult.
- 36 (3) ~~The juvenile's nineteenth birthday if~~ If the juvenile has been committed to the
37 Division for an offense that would be a Class B1, B2, C, D, or E felony if
38 committed by an adult, other than an offense set forth in
39 ~~G.S. 7B-1602(a).~~ G.S. 7B-1602(a):
 - 40 a. The juvenile's nineteenth birthday, if the juvenile committed the
41 offense prior to reaching the age of 16 years.
 - 42 b. The juvenile's twentieth birthday, if the juvenile committed the offense
43 while the juvenile was at least 16 years of age but less than 17 years
44 of age.
 - 45 c. The juvenile's twenty-first birthday, if the juvenile committed the
46 offense while the juvenile was at least 17 years of age.
- 47 (4) ~~The juvenile's eighteenth birthday if~~ If the juvenile has been committed to the
48 Division for an offense other than an offense that would be a Class A, B1, B2,
49 C, D, or E felony if committed by an ~~adult~~ adult:
 - 50 a. The eighteenth birthday of the juvenile, if the juvenile committed the
51 offense prior to reaching the age of 16 years.

- 1 b. The nineteenth birthday of the juvenile, if the juvenile committed the
 2 offense while the juvenile was at least 16 years of age but less than 17
 3 years of age.
 4 c. The twentieth birthday of the juvenile, if the juvenile committed the
 5 offense while the juvenile was at least 17 years of age."

6 **SECTION 1.(e)** G.S. 7B-2516(c) reads as rewritten:

7 "(c) If the court revokes post-release supervision, the juvenile shall be returned to the
 8 Division for placement in a youth development center for an indefinite term of at least 90 days,
 9 provided, however, that no juvenile shall remain committed to the Division for placement in a
 10 youth development center ~~past~~ past the maximum term of commitment allowed pursuant to
 11 G.S. 7B-2513(a1), 7B-2513(a2), and 7B-2513(a3).

- 12 (1) ~~The juvenile's twenty first birthday if the juvenile has been committed to the~~
 13 ~~Division for an offense that would be first degree murder pursuant to~~
 14 ~~G.S. 14-17, first degree forcible rape pursuant to G.S. 14-27.21, first degree~~
 15 ~~statutory rape pursuant to G.S. 14-27.24, first degree forcible sexual offense~~
 16 ~~pursuant to G.S. 14-27.26, or first degree statutory sexual offense pursuant to~~
 17 ~~G.S. 14-27.29 if committed by an adult.~~
 18 (2) ~~The juvenile's nineteenth birthday if the juvenile has been committed to the~~
 19 ~~Division for an offense that would be a Class B1, B2, C, D, or E felony if~~
 20 ~~committed by an adult, other than an offense set forth in G.S. 7B-1602(a).~~
 21 (3) ~~The juvenile's eighteenth birthday if the juvenile has been committed to the~~
 22 ~~Division for an offense other than an offense that would be a Class A, B1, B2,~~
 23 ~~C, D, or E felony if committed by an adult."~~

24 **SECTION 1.(f)** G.S. 7B-2600 reads as rewritten:

25 **"§ 7B-2600. Authority to modify or vacate.**

26 ...

27 (c) In any case where the court finds the juvenile to be ~~delinquent or undisciplined~~, the
 28 jurisdiction of the court to modify any order or disposition made in the case shall continue (i)
 29 during the minority of the juvenile, (ii) ~~until the juvenile reaches the age of 19 years if the juvenile~~
 30 ~~has been adjudicated delinquent and committed to the Division for an offense that would be a~~
 31 ~~Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S.~~
 32 ~~7B-1602(a), (iii) until the juvenile reaches the age of 21 years if the juvenile has been adjudicated~~
 33 ~~delinquent and committed for an offense that would be first degree murder pursuant to G.S.~~
 34 ~~14-17, first degree forcible rape pursuant to G.S. 14-27.21, first degree statutory rape pursuant~~
 35 ~~to G.S. 14-27.24, first degree forcible sexual offense pursuant to G.S. 14-27.26, or first degree~~
 36 ~~statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult, juvenile or (iv) until~~
 37 ~~terminated by order of the court.~~

38 (d) In any case where the court finds the juvenile to be delinquent, the jurisdiction of the
 39 court to modify any order of disposition made in the case shall continue until one of the following
 40 occurs:

- 41 (1) The juvenile reaches the age of 18 for an offense committed prior to the
 42 juvenile reaching the age of 16.
 43 (2) The juvenile reaches the age of 19 for an offense committed while the juvenile
 44 was at least 16 years of age but less than 17 years of age.
 45 (3) The juvenile reaches the age of 20 for an offense committed while the juvenile
 46 was at least 17 years of age.
 47 (4) The juvenile reaches the maximum term of commitment as authorized
 48 pursuant to G.S. 7B-2513(a1), 7B-2513(a2), and 7B-2513(a3), if the juvenile
 49 was committed to the Division for placement in a youth development center.
 50 (5) Terminated by order of the court."
 51

PART II. JUVENILE TRANSFER HOUSING CHANGES

SECTION 2. G.S. 7B-2204(d) reads as rewritten:

"(d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal offense in superior court and receive an active sentence, then immediate transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be ordered. Until such time as the juvenile is transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the juvenile may be detained in a holdover facility. ~~The juvenile may not be detained in a facility or detention facility pending transfer to approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, unless the detention facility is operated by the sheriff pursuant to G.S. 7B-1905(b).Section.~~"

PART III. SECURE CUSTODY ORDER CHANGES

SECTION 3.(a) G.S. 7A-271 is amended by adding a new subsection to read:

"(g) The superior court has jurisdiction to issue a secure custody order pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d)."

SECTION 3.(b) G.S. 7B-1902 reads as rewritten:

"§ 7B-1902. Authority to issue custody orders; delegation.

In the case of any juvenile alleged to be within the jurisdiction of the court, when the court finds it necessary to place the juvenile in custody, the court may order that the juvenile be placed in secure or nonsecure custody pursuant to criteria set out in G.S. 7B-1903.

Any district court judge may issue secure and nonsecure custody orders pursuant to G.S. 7B-1903. The chief district court judge may delegate the court's authority to the chief court counselor or the chief court counselor's counseling staff by administrative order filed in the office of the clerk of superior court. The administrative order shall specify which persons may be contacted for approval of a secure or nonsecure custody order. The chief district court judge shall not delegate the court's authority to detain or house juveniles in holdover facilities pursuant to G.S. 7B-1905 or G.S. 7B-2513.

Any superior court judge may issue a secure custody order pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d)."

SECTION 3.(c) G.S. 7B-1906 is amended by adding a new subsection to read:

"(b2) A hearing to determine the need for continued secure custody shall be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court pursuant to G.S. 7B-2200.5(d). A hearing conducted under this subsection may not be continued or waived. Subsequent hearings on the need for continued secure custody shall be held pursuant to subsection (b1) of this section. The district court has authority to modify any secure custody order pursuant to the provisions of this section following the issuance of that order by the superior court."

SECTION 3.(d) G.S. 7B-2200.5(d) reads as rewritten:

"(d) In any case where jurisdiction over a juvenile has been transferred to superior court, upon joint motion of the prosecutor and the juvenile's attorney, the superior court shall remand the case to district court and court. The prosecutor shall provide the chief court counselor or his or her designee with a copy of the joint motion prior to submitting the motion to the court. The superior court shall expunge the superior court record in accordance with G.S. 15A-145.8.G.S. 15A-145.8 at the time of remand, and, if the juvenile meets the criteria established in G.S. 7B-1903, may issue an order for secure custody upon the request of a prosecutor. The prosecutor shall provide a copy of any secure custody order issued to the chief court counselor or his or her designee, as soon as possible and no more than 24 hours after the order is issued."

1 **PART IV. PROSECUTORIAL DISCRETION FOR E THROUGH G FELONIES FOR**
2 **JUVENILES**

3 **SECTION 4.** G.S. 7B-2200.5 reads as rewritten:

4 "**§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.**

5 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed
6 an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the
7 court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults
8 unless the prosecutor declines to prosecute in superior court as provided in subsection (a1) of this
9 section after either of the following:

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

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

16 (a1) The prosecutor may decline to prosecute in superior court a matter that would
17 otherwise be subject to mandatory transfer pursuant to subsection (a) of this section if the juvenile
18 has allegedly committed an offense that would be a Class E, F, or G felony if committed by an
19 adult. If the prosecutor declines to prosecute the matter in superior court, jurisdiction over the
20 juvenile shall remain in juvenile court following a finding of probable cause pursuant to
21 G.S. 7B-2202. Prior to adjudication, the prosecutor may choose to transfer the matter pursuant
22 to subsection (a) of this section if the juvenile has allegedly committed an offense that would be
23 a Class E, F, or G felony if committed by an adult.

24"

25
26 **PART V. EFFECTIVE DATE**

27 **SECTION 5.** This act becomes effective December 1, 2021, and applies to offenses
28 committed on or after that date.