

1 **"§ 143B-512. Transfer of Office of Juvenile Justice authority to the Department of**
2 **Juvenile Justice and Delinquency Prevention.**

3 (a) All (i) statutory authority, powers, duties, and functions, including directives of
4 S.L. 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel,
5 personnel positions, and salaries, (iv) property, and (v) unexpended balances of
6 appropriations, allocations, reserves, support costs, and other funds of the Office of
7 Juvenile Justice under the Office of the Governor are transferred to and vested in the
8 Department of Juvenile Justice and Delinquency Prevention. This transfer has all of the
9 elements of a Type I transfer, as defined in G.S. 143A-6.

10 (b) The Department shall be considered a continuation of the Office of Juvenile
11 Justice for the purpose of succession to all rights, powers, duties, and obligations of the
12 Office and of those rights, powers, duties, and obligations exercised by the Office of the
13 Governor on behalf of the Office of Juvenile Justice. Where the Office of Juvenile
14 Justice is referred to by law, contract, or other document, that reference shall apply to the
15 Department. Where the Office of the Governor is referred to by contract or other
16 document, where the Office of the Governor is acting on behalf of the Office of Juvenile
17 Justice, that reference shall apply to the Department.

18 (c) All institutions previously operated by the Office of Juvenile Justice and the
19 present central office of the Office of Juvenile Justice, including land, buildings,
20 equipment, supplies, personnel, or other properties rented or controlled by the Office or
21 by the Office of the Governor for the Office of Juvenile Justice, shall be administered by
22 the Department of Juvenile Justice and Delinquency Prevention.

23 **"PART 2. GENERAL PROVISIONS.**

24 **"§ 143B-513. Definitions.**

25 The definitions set forth in G.S. 7B-1501 apply to this Article, unless modified in this
26 Article.

27 **"§ 143B-514. Duties and powers of the Department of Juvenile Justice and**
28 **Delinquency Prevention.**

29 (a) The head of the Department of Juvenile Justice and Delinquency Prevention is
30 the Secretary of the Department of Juvenile Justice and Delinquency Prevention. The
31 Secretary shall have the powers and duties conferred by this Chapter, delegated by the
32 Governor, and conferred by the Constitution and laws of this State. The Secretary shall be
33 responsible for effectively and efficiently organizing the Department to promote the
34 policy of the State as set forth in this Article and to promote public safety and to prevent
35 the commission of delinquent acts by juveniles.

36 (b) The Secretary shall have the following powers and duties:

37 (1) Give leadership to the implementation as appropriate of State policy
38 which requires that training schools be phased out as populations
39 diminish.

40 (2) Close a State training school when its operation is no longer justified
41 and transfer State funds appropriated for the operation of any training
42 school which is closed either to fund community-based programs, to
43 purchase care or services for predelinquents, delinquents, or status

1 offenders in community-based or other appropriate programs, or to
2 improve the efficiency of existing training schools, provided any such
3 action is reviewed by the Advisory Budget Commission.

4 (3) Administer a sound admission or intake program for juvenile facilities,
5 including the requirement of a careful evaluation of the needs of each
6 juvenile prior to acceptance and placement.

7 (4) Operate juvenile facilities and implement programs that meet the needs
8 of juveniles receiving services and that assist them to become
9 productive, responsible citizens.

10 (5) Adopt rules and regulations to implement the provisions of this Article
11 and the responsibilities of the Secretary and the Department under
12 Chapter 7B of the General Statutes. The Secretary may adopt rules
13 applicable to local human services agencies providing juvenile court and
14 delinquency prevention services for the purpose of program evaluation,
15 fiscal audits, and collection of third-party payments.

16 (6) Ensure a statewide and uniform system of juvenile intake, protective
17 supervision, probation, and post-release supervision services in all
18 district court districts of the State to provide appropriate, adequate, and
19 uniform services to all juveniles who are alleged or found to be
20 undisciplined or delinquent.

21 (7) Establish procedures for substance abuse testing for juveniles
22 adjudicated delinquent for substance abuse offenses.

23 (8) Plan, develop, and coordinate comprehensive multidisciplinary services
24 and programs statewide for the prevention of juvenile delinquency,
25 early intervention, and rehabilitation of juveniles.

26 (9) Develop standards and approve yearly program evaluations and make
27 recommendations to the General Assembly concerning continuation
28 funding based on the evaluations.

29 (10) Collect expense data for every program operated and contracted by the
30 Department.

31 (11) Develop a formula for funding on a matching basis for juvenile court
32 and delinquency prevention services as provided for in this Article. This
33 formula shall be based upon the county's or counties' relative ability to
34 fund community-based programs for juveniles.

35 Local governments receiving State matching funds for programs
36 under the provisions of this Article must maintain the same overall level
37 of effort that existed at the time of the filing of the county assessment of
38 juvenile needs with the Department.

39 (12) Assist local governments and private service agencies in the
40 development of juvenile court services and delinquency prevention
41 services, and provide information on the availability of potential
42 funding sources and assistance in making application for needed
43 funding.

1 (13) Assist the Criminal Justice Information Network Governing Board with
2 administering a comprehensive juvenile justice information system to
3 collect data and information about delinquent juveniles for the purpose
4 of developing treatment and intervention plans and allowing reliable
5 assessment and evaluation of the effectiveness of rehabilitative and
6 preventive services provided to delinquent juveniles.

7 (14) Coordinate State-level services in relation to delinquency prevention
8 and juvenile court services so that any citizen may go to one place in
9 State government to receive information about available juvenile
10 services.

11 (15) Appoint the chief court counselor in each district court district upon the
12 recommendation of the chief district court judge of that district.

13 (16) Develop a statewide plan for training and professional development of
14 chief court counselors, court counselors, and other personnel
15 responsible for the care, supervision, and treatment of juveniles,
16 including attendance at appropriate professional meetings and
17 opportunities for educational leave for academic study.

18 (17) Study issues related to qualifications, salary ranges, appointment of
19 personnel on a merit basis, including chief court counselors, court
20 counselors, secretaries, and other appropriate personnel, at the State and
21 district levels in order to adopt appropriate policies and procedures
22 governing personnel.

23 (c) Except as otherwise specifically provided in this Article and in Article 1 of this
24 Chapter, the functions, powers, duties, and obligations of every agency or division in the
25 Department shall be prescribed by the Secretary of the Department.

26 (d) Where Department statistics indicate the presence of minority youth in juvenile
27 facilities disproportionate to their presence in the general population, the Department
28 shall develop and recommend appropriate strategies designed to ensure fair and equal
29 treatment in the juvenile justice system.

30 (e) The Department may provide consulting services and technical assistance to
31 courts, law enforcement agencies, and other agencies, local governments, and public and
32 private organizations, and may develop or assist Juvenile Crime Prevention Councils in
33 developing community needs, assessments, and programs relating to the prevention and
34 treatment of delinquent and undisciplined behavior.

35 (f) The Department shall develop a cost-benefit model for each State-funded
36 program. Program commitment and recidivism rates shall be components of the model.
37 In developing the model, the Department shall consider the recommendations of the State
38 Advisory Council on Juvenile Justice and Delinquency Prevention.

39 **"§ 143B-515. Authority to contract with other entities.**

40 (a) The Department may contract with any governmental agency, person,
41 association, or corporation for the accomplishment of its duties and responsibilities
42 provided that the expenditure of funds pursuant to these contracts shall be for the
43 purposes for which the funds were appropriated and is not otherwise prohibited by law.

1 (b) The Department may enter into contracts with, and act as intermediary
2 between, any federal government agency and any county of this State for the purpose of
3 assisting the county to recover monies expended by a county-funded financial assistance
4 program; and, as a condition of assistance, the county shall agree to hold and save
5 harmless the Department against any claims, loss, or expense which the Department
6 might incur under the contracts by reason of any erroneous, unlawful, or tortious act or
7 omission of the county or its officials, agents, or employees.

8 (c) The Department and any other appropriate State or local agency may purchase
9 services from public or private agencies providing delinquency prevention programs or
10 juvenile court services, including parenting responsibility classes. The programs shall
11 meet State standards. As institutional populations are reduced, the Department may
12 divert State funds appropriated for institutional programs to purchase the services
13 pursuant to the provisions of the Executive Budget Act.

14 (d) Each programmatic, residential, and service contract or agreement entered into
15 by the Department shall include a cooperation clause to ensure compliance with the
16 Department's quality assurance requirements and cost-accounting requirements.

17 **"§ 143B-516. Authority to assist private nonprofit foundations.**

18 The Department may provide appropriate services or allow employees of the
19 Department to assist any private nonprofit foundation which works directly with services
20 or programs of the Department and whose sole purpose is to support the services and
21 programs of the Department. A Department employee shall be allowed to work with a
22 foundation no more than 20 hours in any one month. These services are not subject to the
23 provisions of Chapter 150B of the General Statutes.

24 The board of directors of each private, nonprofit foundation shall secure and pay for
25 the services of the Department of State Auditor or employ a certified public accountant to
26 conduct an annual audit of the financial accounts of the foundation. The board of
27 directors shall transmit to the Department a copy of the annual financial audit report of
28 the private nonprofit foundation.

29 **"§ 143B-517. Annual report.**

30 On or before April 1 each year, beginning with the year 2001, the Department shall
31 report to the General Assembly on the effectiveness and cost benefit of every program
32 operated and contracted by the Department and a summary of the local programs that
33 receive State funding. The report shall include the most current institutional populations
34 of juveniles being served by the Department, a comparison of the costs of the services,
35 and a ranking of all programs that provide services to juveniles. The Department shall
36 submit the report to the various State agencies providing services to juveniles.

37 **"PART 3. JUVENILE FACILITIES.**

38 **"§ 143B-518. Juvenile facilities.**

39 The Department shall be responsible for administration of statewide programs to
40 provide any juvenile in a juvenile facility with appropriate treatment according to the
41 juvenile's needs, including educational, clinical and psychological, psychiatric, social,
42 medical, vocational, and recreational services or programs.

43 **"§ 143B-519. Authority to provide necessary medical or surgical care.**

1 The Department may provide any medical and surgical treatment necessary to
2 preserve the life and health of juveniles committed to the custody of the Department,
3 provided that no surgical operation may be performed except as authorized in G.S. 148-
4 22.2.

5 **"§ 143B-520. Compensation to juveniles in care.**

6 Juveniles who have been committed to the Department may be compensated for work
7 or participation in training programs at rates approved by the Secretary within available
8 funds. The Secretary may provide for a reasonable allowance to the juvenile for
9 incidental personal expenses, and any balance of the juvenile's earnings remaining at the
10 time the juvenile is released shall be paid to the juvenile or the juvenile's parent or
11 guardian. The Department is authorized to accept grants or funds from any source to
12 compensate juveniles as provided under this section.

13 **"§ 143B-521. Visits and community activities.**

14 (a) The Department shall encourage visits by parents or guardians and responsible
15 relatives of juveniles committed to the custody of the Department.

16 (b) The Department shall develop a program of home visits for juveniles in the
17 custody of the Department, after the juvenile has been in the custody of the Department
18 for a period of at least six months. In developing the program, the Department shall
19 adopt criteria that promote the protection of the public and the best interests of the
20 juvenile.

21 **"§ 143B-522. Regional detention services.**

22 The Department shall be responsible for juvenile detention services, including the
23 development of a statewide plan for regional juvenile detention services that offer
24 juvenile detention care of sufficient quality to meet State standards to any juvenile
25 requiring juvenile detention care within the State in a detention facility as follows:

26 (1) The Department shall plan with the counties operating a county
27 detention facility to provide regional juvenile detention services to
28 surrounding counties, except that the Department shall have discretion
29 in defining the geographical boundaries of the regions based on
30 negotiations with affected counties, distances, availability of juvenile
31 detention care that meets State standards, and other appropriate factors.

32 (2) The Department may plan with any county that has space within its
33 county jail system to use the existing space for a county detention
34 facility when needed, if the space meets the State standards for a
35 detention facility and meets all of the requirements of G.S. 153A-221.
36 The use of space within the county jail system shall be constructed to
37 ensure that juveniles are not able to converse with, see, or be seen by the
38 adult population, and juveniles housed in a space within a county jail
39 shall be supervised closely.

40 (3) The Department shall plan for and administer regional detention
41 facilities, including careful planning on location, architectural design,
42 construction, and administration of a program to meet the needs of
43 juveniles in juvenile detention care. The physical facility of a regional

1 detention facility shall comply with all applicable State and federal
2 standards. The programs of a regional detention facility shall comply
3 with the standards established by the Department.

4 **"§ 143B-523. State subsidy to county detention facilities.**

5 The Department shall administer a State subsidy program to pay a county that
6 provides juvenile detention services and meets State standards a certain per diem per
7 juvenile. In general, this per diem should be fifty percent (50%) of the total cost of
8 caring for a juvenile from within the county and one hundred percent (100%) of the total
9 cost of caring for a juvenile from another county. Any county placing a juvenile in a
10 detention facility in another county shall pay fifty percent (50%) of the total cost of
11 caring for the juvenile to the Department. The exact funding formulas may be varied by
12 the Department to operate within existing State appropriations or other funds that may be
13 available to pay for juvenile detention care.

14 **"§ 143B-524. Authority for implementation.**

15 In order to allow for effective implementation of a statewide regional approach to
16 juvenile detention, the Department may:

- 17 (1) Release or transfer a juvenile from one detention facility to another
18 when necessary to administer the juvenile's detention appropriately.
- 19 (2) Plan with counties operating county detention facilities to provide
20 regional services and to upgrade physical facilities to contract with
21 counties for services and care, and to pay State subsidies to counties
22 providing regional juvenile detention services that meet State standards.
- 23 (3) Allow law enforcement officers or other appropriate employees of local
24 government to be reimbursed by the State for the costs of transportation
25 of a juvenile to and from any juvenile detention facility.
- 26 (4) Seek funding for juvenile detention services from federal sources, and to
27 accept gifts of funds from public or private sources.

28 **"PART 4. JUVENILE COURT SERVICES.**

29 **"§ 143B-525. Duties and powers of chief court counselors.**

30 The chief court counselor in each district court district appointed as provided by this
31 Article may:

- 32 (1) Appoint court counselors, secretaries, and other personnel authorized by
33 the Department in accordance with the personnel policies adopted by
34 the Department.
- 35 (2) Supervise and direct the program of juvenile intake, protective
36 supervision, probation, and post-release supervision within the district
37 court district.
- 38 (3) Provide in-service training for staff as required by the Department.
- 39 (4) Keep any records and make any reports requested by the Secretary in
40 order to provide statewide data and information about juvenile needs
41 and services.

42 **"§ 143B-526. Duties and powers of juvenile court counselors.**

1 As the court or the chief court counselor may direct or require, all juvenile court
2 counselors shall have the following powers and duties:

- 3 (1) Secure or arrange for such information concerning a case as the court
4 may require before, during, or after the hearing.
- 5 (2) Prepare written reports for the use of the court.
- 6 (3) Appear and testify at court hearings.
- 7 (4) Assume custody of a juvenile as authorized by G.S. 7B-1900, or when
8 directed by court order.
- 9 (5) Furnish each juvenile on probation or protective supervision and the
10 juvenile's parents, guardian, or custodian with a written statement of the
11 juvenile's conditions of probation or protective supervision, and consult
12 with the juvenile's parents, guardian, or custodian so that they may help
13 the juvenile comply with the conditions.
- 14 (6) Keep informed concerning the conduct and progress of any juvenile on
15 probation or under protective supervision through home visits or
16 conferences with the parents or guardian and in other ways.
- 17 (7) See that the conditions of probation are complied with by the juvenile,
18 or bring any juvenile who violates the juvenile's probation to the
19 attention of the court.
- 20 (8) Make periodic reports to the court concerning the adjustment of any
21 juvenile on probation or under court supervision.
- 22 (9) Keep any records of the juvenile's work as the court may require.
- 23 (10) Account for all funds collected from juveniles.
- 24 (11) Serve necessary court documents pertaining to delinquent and
25 undisciplined juvenile matters.
- 26 (12) Assume custody of juveniles under the jurisdiction of the court when
27 necessary for the protection of the public, or the juvenile, and necessary
28 to carry out the responsibilities of court counselors under this section
29 and under Chapter 7B of the General Statutes.
- 30 (13) Use reasonable force and restraint necessary to secure custody assumed
31 under subdivision (12) of this section.
- 32 (14) Provide supervision for a juvenile transferred to the counselor's
33 supervision from another court or another state, and provide supervision
34 for any juvenile released from an institution operated by the Department
35 when requested by the Department to do so.
- 36 (15) Assist in the development of post-release supervision and the
37 supervision of juveniles.
- 38 (16) Have any other duties as the court may direct.

39 **"PART 5. COMPREHENSIVE JUVENILE DELINQUENCY AND**
40 **SUBSTANCE ABUSE PREVENTION PLAN.**

41 **"§ 143B-527. Comprehensive Juvenile Delinquency and Substance Abuse Prevention**
42 **Plan.**

1 (a) The Department shall implement the comprehensive juvenile delinquency and
2 substance abuse prevention plan developed by the Office of Juvenile Justice and shall
3 coordinate with county Juvenile Crime Prevention Councils, as provided in G.S. 143B-
4 528, for implementation of a continuum of services and programs at the community level.

5 The Department shall ensure that localities are informed about best practices in
6 juvenile delinquency and substance abuse prevention.

7 (b) The Department shall ensure that the plan contains the following:

8 (1) Identification of the risk factors at the developmental stages of a
9 juvenile's life that may result in delinquent behavior.

10 (2) Identification of the protective factors that families, schools,
11 communities, and the State must support to reduce the risk of juvenile
12 delinquency.

13 (3) Programmatic concepts that are effective in preventing juvenile
14 delinquency and substance abuse and that should be made available as
15 basic services in the communities, including:

16 a. Early intervention programs and services.

17 b. In-home training and community-based family counseling and
18 parent training.

19 c. Adolescent and family substance abuse prevention services,
20 including alcohol abuse prevention services, and substance abuse
21 education.

22 d. Programs and activities offered before and after school hours.

23 e. Life and social skills training programs.

24 f. Classes or seminars that teach conflict resolution, problem
25 solving, and anger management.

26 g. Services that provide personal advocacy, including mentoring
27 relationships, tutors, or other caring adult programs.

28 (c) The Department shall cooperate with all other affected State agencies and
29 entities in implementing this section.

30 **"PART 6. JUVENILE CRIME PREVENTION COUNCILS.**

31 **"§ 143B-528. Legislative intent.**

32 It is the intent of the General Assembly to prevent juveniles who are at risk from
33 becoming delinquent. The primary intent of this Part is to develop community-based
34 alternatives to training schools and to provide community-based delinquency and
35 substance abuse prevention strategies and programs. Additionally, it is the intent of the
36 General Assembly to provide noninstitutional dispositional alternatives that will protect
37 the community and the juveniles.

38 These programs and services shall be planned and organized at the community level
39 and developed in partnership with the State. These planning efforts shall include
40 appropriate representation from local government, local public and private agencies
41 serving juveniles and their families, local business leaders, citizens with an interest in
42 youth problems, youth representatives, and others as may be appropriate in a particular

1 community. The planning bodies at the local level shall be the Juvenile Crime Prevention
2 Councils.

3 **"§ 143B-529. Creation; method of appointment; membership; chair and vice-chair.**

4 (a) As a prerequisite for a county receiving funding for juvenile court services and
5 delinquency prevention programs, the board of commissioners of a county shall appoint a
6 Juvenile Crime Prevention Council. The Juvenile Crime Prevention Council shall consist
7 of not more than 25 members and should include, if possible, the following:

8 (1) The local school superintendent(s), or that person's designee(s);

9 (2) A chief of police in the county;

10 (3) The local sheriff, or that person's designee;

11 (4) The district attorney, or that person's designee;

12 (5) The chief court counselor, or that person's designee;

13 (6) The director of the area mental health, developmental disabilities, and
14 substance abuse authority, or that person's designee;

15 (7) The director of the county department of social services, or consolidated
16 human services agency, or that person's designee;

17 (8) The county manager, or that person's designee;

18 (9) A substance abuse professional;

19 (10) A member of the faith community;

20 (11) A county commissioner;

21 (12) A person under the age of 21;

22 (13) A juvenile defense attorney;

23 (14) The chief district court judge, or a district court judge designated by the
24 chief district court judge;

25 (15) A member of the business community;

26 (16) The local health director, or that person's designee;

27 (17) A representative from the United Way or other nonprofit agency;

28 (18) A representative of a local parks and recreation program; and

29 (19) Up to seven members of the public to be appointed by the board of
30 commissioners of a county.

31 The board of commissioners of a county shall modify the Council's membership as
32 necessary to ensure that Council members reflect the racial and socioeconomic diversity
33 of the community and to minimize potential conflicts of interest by members.

34 (b) Two or more counties may establish a multicounty Juvenile Crime Prevention
35 Council pursuant to subsection (a) of this section. The membership shall be
36 representative of each participating county.

37 (c) The chair and vice-chair shall be elected annually by the members of the
38 Council.

39 **"§ 143B-530. Terms of appointment.**

40 Each member of a Juvenile Crime Prevention Council shall serve for a term of two
41 years, except for initial terms as provided in this section. Members may be reappointed.
42 The initial terms of appointment began January 1, 1999. In order to provide for staggered
43 terms, persons appointed for the positions designated in subdivisions (9), (10), (12), (15),

1 (17), and (18) of G.S. 143B-529(a) were appointed for an initial term ending on June 30,
2 2000. After the initial terms, persons appointed for the positions designated in
3 subdivisions (9), (10), (12), (15), (17), and (18) of G.S. 143B-529(a) shall be appointed
4 for two-year terms, beginning on July 1. All other persons appointed to the Council
5 were appointed for an initial term ending on June 30, 2001 and, after those initial terms,
6 persons shall be appointed for two-year terms beginning on July 1.

7 **§ 143B-531. Vacancies; removal.**

8 Appointments to fill vacancies shall be for the remainder of the former member's
9 term.

10 Members shall be removed only for malfeasance, or nonfeasance as determined by the
11 board of commissioners of the county.

12 **§ 143B-532. Meetings; quorum.**

13 Councils shall meet at least bimonthly, or more often if a meeting is called by the
14 chair.

15 A majority of members shall constitute a quorum.

16 **§ 143B-533. Compensation of members.**

17 Members of Juvenile Crime Prevention Councils shall receive no compensation but
18 may receive a per diem in such an amount as may be established by the board of
19 commissioners of the county.

20 **§ 143B-534. Powers and duties.**

21 (a) The Councils shall annually review the needs of juveniles in the county who
22 are at risk of delinquency or who have been adjudicated undisciplined or delinquent and
23 the resources available to address those needs. The Council shall develop and advertise a
24 request for proposal process and submit a written plan of action for the expenditure of
25 juvenile sanction and prevention funds to the board of commissioners of the county for its
26 approval. Upon the county's authorization, the plan shall be submitted to the Department
27 for final approval and subsequent implementation.

28 (b) The Councils shall ensure that appropriate intermediate dispositional options
29 are available and shall prioritize funding for dispositions of intermediate and community
30 level sanctions for court-adjudicated juveniles pursuant to minimum standards adopted by
31 the Department.

32 (c) The Councils shall perform the following functions on an ongoing basis:

33 (1) Assess the needs of juveniles in the community, evaluate the adequacy
34 of resources available to meet those needs, and develop or propose ways
35 to address unmet needs;

36 (2) Evaluate the performance of juvenile services and programs in the
37 community. The Council shall evaluate each funded program as a
38 condition of continued funding;

39 (3) Increase public awareness of the causes of delinquency and of strategies
40 to reduce the problem;

41 (4) Develop strategies to intervene and appropriately respond to and treat
42 the needs of juveniles at risk of delinquency through appropriate risk
43 assessment instruments;

- 1 (5) Provide funds for services for treatment, counseling, or rehabilitation for
2 juveniles and their families, including court-ordered parenting
3 responsibility classes; and
4 (6) Plan for the establishment of a permanent funding stream for
5 delinquency prevention services.
6 (d) The Councils may examine the benefits of joint program development between
7 counties within the same judicial district.

8 **"§ 143B-535. Funding for programs.**

9 (a) Annually, the Department shall develop and implement a funding mechanism
10 for programs that meet the standards as developed under the provisions of this Part. The
11 Department shall ensure that the guidelines for the State and local partnership's funding
12 process include the following requirements:

- 13 (1) Fund effective programs. – The Department shall fund programs that it
14 determines to be effective in preventing delinquency and recidivism.
15 Programs that have proven to be ineffective shall not be funded;
16 (2) Use a formula for the distribution of funds. – A funding formula shall be
17 developed that ensures that even the smallest counties will be able to
18 provide the basic prevention and alternatives services to juveniles in
19 their communities;
20 (3) Allow and encourage local flexibility. – A vital component of the State
21 and local partnership established by this section is local flexibility to
22 determine how best to allocate prevention and alternatives funds; and
23 (4) Combine resources. – Counties shall be allowed and encouraged to
24 combine resources and services.

25 (b) The Department shall adopt rules to implement this section, and the
26 Department shall provide technical assistance to Juvenile Crime Prevention Councils and
27 shall ensure that the Juvenile Crime Prevention Councils evaluate all State-funded
28 programs and services on an ongoing and regular basis.

29 **"PART 7. STATE ADVISORY COUNCIL ON JUVENILE JUSTICE**
30 **AND DELINQUENCY PREVENTION.**

31 **"§ 143B-536. Creation of Council; purpose; members; duties.**

32 (a) There is created the State Advisory Council on Juvenile Justice and
33 Delinquency Prevention. The Council shall be located within the Department of Juvenile
34 Justice and Delinquency Prevention for organizational, budgetary, and administrative
35 purposes.

36 (b) The purpose of the Council is to review and advise the Department in the
37 development of a comprehensive interagency plan to reduce juvenile delinquency and
38 substance abuse and to coordinate efforts among State agencies providing services and
39 supervision to juveniles who are at risk of delinquency and for juveniles who have been
40 adjudicated of delinquent and undisciplined behavior.

41 (c) The Council shall consist of 20 members as follows:

1 (1) Five persons appointed by the Governor, one of whom is a private
2 citizen who has demonstrated an interest in and commitment to juvenile
3 justice issues.

4 (2) Four persons appointed by the Chief Justice of the Supreme Court.

5 (3) The following persons, or their designees, ex officio:

6 a. The Governor.

7 b. The Chief Justice of the Supreme Court.

8 c. The President Pro Tempore of the Senate.

9 d. The Speaker of the House of Representatives.

10 e. The Director of the Administrative Office of the Courts.

11 f. The Superintendent of Public Instruction.

12 g. The Secretary of the Department of Administration.

13 h. The Secretary of the Department of Health and Human Services.

14 i. The Secretary of the Department of Correction.

15 j. The Secretary of the Department of Crime Control and Public
16 Safety.

17 k. The President of The University of North Carolina.

18 (d) Initial members, other than ex officio members, which were appointed
19 pursuant to former G.S. 147-33.70 and whose terms began January 1, 1999, shall serve
20 for terms as follows:

21 (1) Three members appointed by the Governor shall serve for terms of two
22 years and two members for terms of three years.

23 (2) Two members appointed by the Chief Justice of the Supreme Court
24 shall serve for terms of two years and two members for terms of three
25 years.

26 Thereafter, members, other than ex officio members, shall serve for two-year terms.
27 There is no prohibition against initial members being reappointed.

28 (e) The Governor and Chief Justice of the Supreme Court shall serve as cochairs
29 of the Council.

30 (f) A vacancy on the Council resulting from the resignation of a member or
31 otherwise shall be filled in the same manner in which the original appointment was made,
32 and the term shall be for the balance of the unexpired term.

33 (g) The Council members shall receive no salary as a result of serving on the
34 Council but shall receive per diem, subsistence, and travel expenses in accordance with
35 the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

36 (h) Members may be removed in accordance with G.S. 143B-13 as if that section
37 applied to this Article.

38 (i) The chair shall convene the Council. Meetings shall be held as often as
39 necessary but not less than four times a year.

40 (j) A majority of the members of the Council shall constitute a quorum for the
41 transaction of business. The affirmative vote of a majority of the members present at
42 meetings of the Council shall be necessary for action to be taken by the Council.

43 **§ 143B-537. Powers and duties of the Council.**

1 The Council shall have the following powers and duties:

- 2 (1) Advise the Department in the review of the State's juvenile justice
3 planning, the development of the community juvenile justice councils,
4 and the development of a formula for the distribution of funds to
5 Juvenile Crime Prevention Councils.
- 6 (2) Advise all State agencies serving juveniles for the purpose of
7 developing a consistent philosophy with regard to providing services to
8 juveniles and promoting collaboration and the efficient and effective
9 delivery of services to juveniles and families through State, local, and
10 district programs and fully address problems of collaboration across
11 State agencies with the goal of serving juveniles.
- 12 (3) Review and comment on juvenile justice, delinquency prevention, and
13 juvenile services grant applications prepared for submission under any
14 federal grant program by any governmental entity of the State.
- 15 (4) Review the juvenile justice system's operation and prioritization of
16 funding needs.
- 17 (5) Review the progress and accomplishment of State and local juvenile
18 justice, delinquency prevention, and juvenile services projects.
- 19 (6) Develop recommendations concerning the establishment of priorities
20 and needed improvements with respect to juvenile justice, delinquency
21 prevention, and juvenile services and report its recommendations to the
22 General Assembly on or before March 1 each year.
- 23 (7) Review and comment on the proposed budget for the Department."

24 **PART II. REVISIONS TO THE JUVENILE CODE.**

25 Section 2. G.S. 7B-1501 reads as rewritten:

26 **"§ 7B-1501. Definitions.**

27 In this Subchapter, unless the context clearly requires otherwise, the following words
28 have the listed meanings:

- 29 (1) Chief court counselor. – The person responsible for administration and
30 supervision of juvenile intake, probation, and post-release supervision in
31 each judicial district, operating under the supervision of the ~~Office of~~
32 ~~Juvenile Justice.~~—Department of Juvenile Justice and Delinquency
33 Prevention.
- 34 (2) Clerk. – Any clerk of superior court, acting clerk, or assistant or deputy
35 clerk.
- 36 (3) Community-based program. – A program providing nonresidential or
37 residential treatment to a juvenile under the jurisdiction of the juvenile
38 court in the community where the juvenile's family lives. A community-
39 based program may include specialized foster care, family counseling,
40 shelter care, and other appropriate treatment.
- 41 (4) Court. – The district court division of the General Court of Justice.

- 1 (5) Court counselor. – A person responsible for probation and post-release
2 supervision to juveniles under the supervision of the chief court
3 counselor.
- 4 (6) Custodian. – The person or agency that has been awarded legal custody
5 of a juvenile by a court.
- 6 (7) Delinquent juvenile. – Any juvenile who, while less than 16 years of
7 age but at least 6 years of age, commits a crime or infraction under State
8 law or under an ordinance of local government, including violation of
9 the motor vehicle laws.
- 10 (7a) Department. – The North Carolina Department of Juvenile Justice and
11 Delinquency Prevention created pursuant to Article 12 of Chapter 143B
12 of the General Statutes.
- 13 (8) Detention. – The secure confinement of a juvenile pursuant to a court
14 order.
- 15 (9) Detention facility. – A facility approved to provide secure confinement
16 and care for juveniles. Detention facilities include both State and locally
17 administered detention homes, centers, and facilities.
- 18 (10) District. – Any district court district as established by G.S. 7A-133.
- 19 (11) Holdover facility. – A place in a jail which has been approved by the
20 Department of Health and Human Services as meeting the State
21 standards for detention as required in G.S. 153A-221 providing close
22 supervision where the juvenile cannot converse with, see, or be seen by
23 the adult population.
- 24 (12) House arrest. – A requirement that the juvenile remain at the juvenile's
25 residence unless the court or the juvenile court counselor authorizes the
26 juvenile to leave for specific purposes.
- 27 (13) Intake counselor. – A person who screens and evaluates a complaint
28 alleging that a juvenile is delinquent or undisciplined to determine
29 whether the complaint should be filed as a petition.
- 30 (14) Interstate Compact on Juveniles. – An agreement ratified by 50 states
31 and the District of Columbia providing a formal means of returning a
32 juvenile, who is an absconder, escapee, or runaway, to the juvenile's
33 home state, and codified in Article 28 of this Chapter.
- 34 (15) Judge. – Any district court judge.
- 35 (16) Judicial district. – Any district court district as established by G.S. 7A-
36 133.
- 37 (17) Juvenile. – Except as provided in subdivisions (7) and (27) of this
38 section, any person who has not reached the person's eighteenth
39 birthday and is not married, emancipated, or a member of the armed
40 forces of the United States. Wherever the term "juvenile" is used with
41 reference to rights and privileges, that term encompasses the attorney
42 for the juvenile as well.

- 1 (18) Juvenile court. – Any district court exercising jurisdiction pursuant to
2 this Chapter.
- 3 ~~(19) Office.—The Office of Juvenile Justice.~~
- 4 (20) Petitioner. – The individual who initiates court action by the filing of a
5 petition or a motion for review alleging the matter for adjudication.
- 6 (21) Post-release supervision. – The supervision of a juvenile who has been
7 returned to the community after having been committed to the ~~Office~~
8 Department for placement in a training school.
- 9 (22) Probation. – The status of a juvenile who has been adjudicated
10 delinquent, is subject to specified conditions under the supervision of a
11 court counselor, and may be returned to the court for violation of those
12 conditions during the period of probation.
- 13 (23) Prosecutor. – The district attorney or assistant district attorney assigned
14 by the district attorney to juvenile proceedings.
- 15 (24) Protective supervision. – The status of a juvenile who has been
16 adjudicated undisciplined and is under the supervision of a court
17 counselor.
- 18 (25) Teen court program. – A community resource for the diversion of cases
19 in which a juvenile has allegedly committed certain offenses for hearing
20 by a jury of the juvenile's peers, which may assign the juvenile to
21 counseling, restitution, curfews, community service, or other
22 rehabilitative measures.
- 23 (26) Training school. – A secure residential facility authorized to provide
24 long-term treatment, education, and rehabilitative services for
25 delinquent juveniles committed by the court to the ~~Office of Juvenile~~
26 Justice—Department.
- 27 (27) Undisciplined juvenile. –
- 28 a. A juvenile who, while less than 16 years of age but at least 6
29 years of age, is unlawfully absent from school; or is regularly
30 disobedient to and beyond the disciplinary control of the
31 juvenile's parent, guardian, or custodian; or is regularly found in
32 places where it is unlawful for a juvenile to be; or has run away
33 from home for a period of more than 24 hours; or
- 34 b. A juvenile who is 16 or 17 years of age and who is regularly
35 disobedient to and beyond the disciplinary control of the
36 juvenile's parent, guardian, or custodian; or is regularly found in
37 places where it is unlawful for a juvenile to be; or has run away
38 from home for a period of more than 24 hours.
- 39 (28) Wilderness program. – A rehabilitative residential treatment program in
40 a rural or outdoor setting.

41 The singular includes the plural, unless otherwise specified."

42 Section 3. The Revisor of Statutes shall substitute the term "Department of
43 Juvenile Justice and Delinquency Prevention" for the term "Office of Juvenile

1 Justice"everywhere that term appears in the General Statutes, except for those sections of
 2 the General Statutes amended in this act. Except where the statutes specifically reference
 3 the Administrative Office of the Courts or the Office of Guardian ad Litem Services, the
 4 Revisor of Statutes shall substitute the term "Department"for the term
 5 "Office"everywhere that term appears in Subchapters II and III of Chapter 7B of the
 6 General Statutes.

7 **PART III. CONFORMING CHANGES TO THE GENERAL STATUTES.**

8 Section 4.(a) G.S. 7A-302 reads as rewritten:

9 **"§ 7A-302. Counties and municipalities responsible for physical facilities.**

10 In each county in which a district court has been established, courtrooms, office space
 11 for juvenile court counselors and support staff as assigned by the ~~Office of Juvenile Justice,~~
 12 Department of Juvenile Justice and Delinquency Prevention, and related judicial facilities
 13 (including furniture), as defined in this Subchapter, shall be provided by the county,
 14 except that courtrooms and related judicial facilities may, with the approval of the
 15 Administrative Officer of the Courts, after consultation with county and municipal
 16 authorities, be provided by a municipality in the county. To assist a county or
 17 municipality in meeting the expense of providing courtrooms and related judicial
 18 facilities, a part of the costs of court, known as the "facilities fee,"collected for the State
 19 by the clerk of superior court, shall be remitted to the county or municipality providing
 20 the facilities."

21 Section 4.(b) G.S. 7A-343.1 reads as rewritten:

22 **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

23 The Administrative Officer of the Courts shall, at the State's expense distribute such
 24 number of copies of the appellate division reports to federal, State departments and
 25 agencies, and to educational institutions of instruction, as follows:

26

| | | |
|----|--|----|
| 27 | Governor, Office of the | 1 |
| 28 | Lieutenant Governor, Office of the | 1 |
| 29 | Secretary of State, Department of the | 2 |
| 30 | State Auditor, Department of the | 1 |
| 31 | Treasurer, Department of the State | 1 |
| 32 | Superintendent of Public Instruction | 1 |
| 33 | Office of the Attorney General | 11 |
| 34 | State Bureau of Investigation | 1 |
| 35 | Agriculture and Consumer Services, Department of | 1 |
| 36 | Labor, Department of | 1 |
| 37 | Insurance, Department of | 1 |
| 38 | Budget Bureau, Department of Administration | 1 |
| 39 | Property Control, Department of Administration | 1 |
| 40 | State Planning, Department of Administration | 1 |
| 41 | Environment and Natural Resources, Department of | 1 |
| 42 | Revenue, Department of | 1 |
| 43 | Health and Human Services, Department of | 1 |

| | | |
|----|---|----------------------|
| 1 | Juvenile Justice, Office of | |
| 2 | <u>Juvenile Justice and Delinquency Prevention,</u> | |
| 3 | <u>Department of</u> | 1 |
| 4 | Commission for the Blind | 1 |
| 5 | Transportation, Department of | 1 |
| 6 | Motor Vehicles, Division of | 1 |
| 7 | Utilities Commission | 8 |
| 8 | Industrial Commission | 11 |
| 9 | State Personnel Commission | 1 |
| 10 | Office of State Personnel | 1 |
| 11 | Office of Administrative Hearings | 2 |
| 12 | Community Colleges, Department of | 38 |
| 13 | Employment Security Commission | 1 |
| 14 | Commission of Correction | 1 |
| 15 | Parole Commission | 1 |
| 16 | Archives and History, Division of | 1 |
| 17 | Crime Control and Public Safety, Department of | 2 |
| 18 | Cultural Resources, Department of | 3 |
| 19 | Legislative Building Library | 2 |
| 20 | Justices of the Supreme Court | 1 ea. |
| 21 | Judges of the Court of Appeals | 1 ea. |
| 22 | Judges of the Superior Court | 1 ea. |
| 23 | Clerks of the Superior Court | 1 ea. |
| 24 | District Attorneys | 1 ea. |
| 25 | Emergency and Special Judges of the Superior Court | 1 ea. |
| 26 | Supreme Court Library | AS MANY AS REQUESTED |
| 27 | Appellate Division Reporter | 1 |
| 28 | University of North Carolina, Chapel Hill | 71 |
| 29 | University of North Carolina, Charlotte | 1 |
| 30 | University of North Carolina, Greensboro | 1 |
| 31 | University of North Carolina, Asheville | 1 |
| 32 | North Carolina State University, Raleigh | 1 |
| 33 | Appalachian State University | 1 |
| 34 | East Carolina University | 1 |
| 35 | Fayetteville State University | 1 |
| 36 | North Carolina Central University | 17 |
| 37 | Western Carolina University | 1 |
| 38 | Duke University | 17 |
| 39 | Davidson College | 2 |
| 40 | Wake Forest University | 25 |
| 41 | Lenoir Rhyne College | 1 |
| 42 | Elon College | 1 |
| 43 | Campbell University | 25 |

| | | |
|----|---|-------|
| 1 | Federal, Out-of-State and Foreign Secretary of State | 1 |
| 2 | Secretary of Defense | 1 |
| 3 | Secretary of Health, Education and Welfare | 1 |
| 4 | Secretary of Housing and Urban Development | 1 |
| 5 | Secretary of Transportation | 1 |
| 6 | Attorney General | 1 |
| 7 | Department of Justice | 1 |
| 8 | Internal Revenue Service | 1 |
| 9 | Veterans' Administration | 1 |
| 10 | Library of Congress | 5 |
| 11 | Federal Judges resident in North Carolina | 1 ea. |
| 12 | Marshal of the United States Supreme Court | 1 |
| 13 | Federal District Attorneys resident in North Carolina | 1 ea. |
| 14 | Federal Clerks of Court resident in North Carolina | 1 ea. |
| 15 | Supreme Court Library exchange list | 1 |

16 Each justice of the Supreme Court and judge of the Court of Appeals shall receive for
 17 private use, one complete and up-to-date set of the appellate division reports. The copies
 18 of reports furnished each justice or judge as set out in the table above may be retained
 19 personally to enable the justice or judge to keep up-to-date the personal set of reports."

20 Section 4.(c) G.S. 14-316.1 reads as rewritten:

21 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

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

27 It is not necessary for the district court exercising juvenile jurisdiction to make an
 28 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order
 29 to prosecute a parent or any person, including an employee of the ~~Office of Juvenile Justice~~
 30 Department of Juvenile Justice and Delinquency Prevention under this section. An
 31 adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not
 32 preclude a subsequent prosecution of a parent or any other person including an employee
 33 of the ~~Office of Juvenile Justice, Department of Juvenile Justice and Delinquency~~
 34 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected
 35 condition of any juvenile."

36 Section 4.(d) G.S. 17C-3(a) reads as rewritten:

37 "(a) There is established the North Carolina Criminal Justice Education and
 38 Training Standards Commission, hereinafter called "the Commission," in the Department
 39 of Justice. The Commission shall be composed of 26 members as follows:

- 40 (1) Police Chiefs. – Three police chiefs selected by the North Carolina
 41 Association of Chiefs of Police and one police chief appointed by the
 42 Governor.

- 1 (2) Police Officers. – Three police officials appointed by the North Carolina
2 Police Executives Association and two criminal justice officers certified
3 by the Commission as selected by the North Carolina Law-Enforcement
4 Officers' Association.
- 5 (3) Departments. – The Attorney General of the State of North Carolina; the
6 Secretary of the Department of Crime Control and Public Safety; the
7 Secretary of the Department of Correction; the President of the
8 Department of Community Colleges.
- 9 (3a) A representative of the ~~Office of Juvenile Justice~~ Department of Juvenile
10 Justice and Delinquency Prevention.
- 11 (4) At-large Groups. – One individual representing and appointed by each
12 of the following organizations: one mayor selected by the League of
13 Municipalities; one law-enforcement training officer selected by the
14 North Carolina Law-Enforcement Training Officers' Association; one
15 criminal justice professional selected by the North Carolina Criminal
16 Justice Association; one sworn law-enforcement officer selected by the
17 North State Law-Enforcement Officers' Association; one member
18 selected by the North Carolina Law-Enforcement Women's Association;
19 and one District Attorney selected by the North Carolina Association of
20 District Attorneys.
- 21 (5) Citizens and Others. – The President of The University of North
22 Carolina; the Director of the Institute of Government; and two citizens,
23 one of whom shall be selected by the Governor and one of whom shall
24 be selected by the Attorney General. The General Assembly shall
25 appoint two persons, one upon the recommendation of the Speaker of
26 the House of Representatives and one upon the recommendation of the
27 President Pro Tempore of the Senate. Appointments by the General
28 Assembly shall be made in accordance with G.S. 120-122.
29 Appointments by the General Assembly shall serve two-year terms to
30 conclude on June 30th in odd-numbered years."

31 Section 4.(e) G.S. 20-79.5(a) reads as rewritten:

32 "(a) Plates. – The State government officials listed in this section are eligible for a
33 special registration plate under G.S. 20-79.4. The plate shall bear the number designated
34 in the following table for the position held by the official.

| 35 | 36 Position | 37 Number on Plate |
|----|--|--------------------|
| 38 | Governor | 1 |
| 39 | Lieutenant Governor | 2 |
| 40 | Speaker of the House of Representative | 3 |
| 41 | President Pro Tempore of the Senate | 4 |
| 42 | Secretary of State | 5 |
| 43 | State Auditor | 6 |
| | State Treasurer | 7 |

| | | |
|----|---|------------------|
| 1 | Superintendent of Public Instruction | 8 |
| 2 | Attorney General | 9 |
| 3 | Commissioner of Agriculture | 10 |
| 4 | Commissioner of Labor | 11 |
| 5 | Commissioner of Insurance | 12 |
| 6 | Speaker Pro Tempore of the House | 13 |
| 7 | Legislative Services Officer | 14 |
| 8 | Secretary of Administration | 15 |
| 9 | Secretary of Environment and Natural Resources | 16 |
| 10 | Secretary of Revenue | 17 |
| 11 | Secretary of Health and Human Services | 18 |
| 12 | Secretary of Commerce | 19 |
| 13 | Secretary of Correction | 20 |
| 14 | Secretary of Cultural Resources | 21 |
| 15 | Secretary of Crime Control and Public Safety | 22 |
| 16 | <u>Secretary of Juvenile Justice and</u> | |
| 17 | <u>Delinquency Prevention</u> | <u>23</u> |
| 18 | Governor's Staff | 23-29 |
| 19 | | <u>24-29</u> |
| 20 | State Budget Officer | 30 |
| 21 | State Personnel Director | 31 |
| 22 | Advisory Budget Commission Nonlegislative Member | 32-41 |
| 23 | Chair of the State Board of Education | 42 |
| 24 | President of the U.N.C. System | 43 |
| 25 | Alcoholic Beverage Control Commission | 44-46 |
| 26 | Assistant Commissioners of Agriculture | 47-48 |
| 27 | Deputy Secretary of State | 49 |
| 28 | Deputy State Treasurer | 50 |
| 29 | Assistant State Treasurer | 51 |
| 30 | Deputy Commissioner for the Department of Labor | 52 |
| 31 | Chief Deputy for the Department of Insurance | 53 |
| 32 | Assistant Commissioner of Insurance | 54 |
| 33 | Deputies and Assistant to the Attorney General | 55-65 |
| 34 | Board of Economic Development Nonlegislative Member | 66-88 |
| 35 | State Ports Authority Nonlegislative Member | 89-96 |
| 36 | Utilities Commission Member | 97-104 |
| 37 | Post-Release Supervision and | |
| 38 | Parole Commission Member | 105-109 |
| 39 | State Board Member, Commission Member, | |
| 40 | or State Employee Not Named in List | 110-200". |
| 41 | Section 4.(f) G.S. 66-58(b) reads as rewritten: | |
| 42 | "(b) The provisions of subsection (a) of this section shall not apply to: | |
| 43 | (1) Counties and municipalities. | |

- 1 (2) The Department of Health and Human Services or the Department of
2 Agriculture and Consumer Services for the sale of serums, vaccines, and
3 other like products.
- 4 (3) The Department of Administration, except that the agency shall not
5 exceed the authority granted in the act creating the agency.
- 6 (4) The State hospitals for the mentally ill.
- 7 (5) The Department of Health and Human Services.
- 8 (6) The North Carolina School for the Blind at Raleigh.
- 9 (6a) ~~The Office of Juvenile Justice.~~ Department of Juvenile Justice and
10 Delinquency Prevention.
- 11 (7) The North Carolina Schools for the Deaf.
- 12 (8) The Greater University of North Carolina with regard to its utilities and
13 other services now operated by it nor to the sale of articles produced
14 incident to the operation of instructional departments, articles incident
15 to educational research, articles of merchandise incident to classroom
16 work, meals, books, or to articles of merchandise not exceeding twenty-
17 five cents (25¢) in value when sold to members of the educational staff
18 or staff auxiliary to education or to duly enrolled students or
19 occasionally to immediate members of the families of members of the
20 educational staff or of duly enrolled students nor to the sale of meals or
21 merchandise to persons attending meetings or conventions as invited
22 guests nor to the operation by the University of North Carolina of an inn
23 or hotel and dining and other facilities usually connected with a hotel or
24 inn, nor to the hospital and Medical School of the University of North
25 Carolina, nor to the Coliseum of North Carolina State University at
26 Raleigh, and the other schools and colleges for higher education
27 maintained or supported by the State, nor to the Centennial Campus of
28 North Carolina State University at Raleigh, nor to the Horace Williams
29 Campus of the University of North Carolina at Chapel Hill, nor to the
30 comprehensive student health services or the comprehensive student
31 infirmaries maintained by the constituent institutions of the University
32 of North Carolina.
- 33 (9) The Department of Environment and Natural Resources, except that the
34 Department shall not construct, maintain, operate or lease a hotel or
35 tourist inn in any park over which it has jurisdiction. The North
36 Carolina Wildlife Resources Commission may sell wildlife memorabilia
37 as a service to members of the public interested in wildlife conservation.
- 38 (10) Child-caring institutions or orphanages receiving State aid.
- 39 (11) Highlands School in Macon County.
- 40 (12) The North Carolina State Fair.
- 41 (13) Rural electric memberships corporations.
- 42 (13a) State Farm Operations Commission.

1 (13b) The Department of Agriculture and Consumer Services with regard to
2 its lessees at farmers' markets operated by the Department.

3 (13c) The Western North Carolina Agricultural Center.

4 (13d) Agricultural centers or livestock facilities operated by the Department of
5 Agriculture and Consumer Services.

6 (14) Nothing herein contained shall be construed to prohibit the engagement
7 in any of the activities described in subsection (a) hereof by a firm,
8 corporation or person who or which is a lessee of space only of the State
9 of North Carolina or any of its departments or agencies; provided the
10 leases shall be awarded by the Department of Administration to the
11 highest bidder, as provided by law in the case of State contracts and
12 which lease shall be for a term of not less than one year and not more
13 than five years.

14 (15) The State Department of Correction is authorized to purchase and install
15 automobile license tag plant equipment for the purpose of
16 manufacturing license tags for the State and local governments and for
17 such other purposes as the Department may direct.

18 The Commissioner of Motor Vehicles, or such other authority as may
19 exercise the authority to purchase automobile license tags is hereby
20 directed to purchase from, and to contract with, the State Department of
21 Correction for the State automobile license tag requirements from year
22 to year.

23 The price to be paid to the State Department of Correction for the
24 tags shall be fixed and agreed upon by the Governor, the State
25 Department of Correction, and the Motor Vehicle Commissioner, or
26 such authority as may be authorized to purchase the supplies.

27 (16) Laundry services performed by the Department of Correction may be
28 provided only for agencies and instrumentalities of the State which are
29 supported by State funds and for county or municipally controlled and
30 supported hospitals presently being served by the Department of
31 Correction, or for which services have been contracted or applied for in
32 writing, as of May 22, 1973. In addition to the prior sentence, laundry
33 services performed by the Department of Correction may be provided
34 for the Governor Morehead School and the North Carolina School for
35 the Deaf.

36 The services shall be limited to wet-washing, drying and ironing of
37 flatwear or flat goods such as towels, sheets and bedding, linens and
38 those uniforms prescribed for wear by the institutions and further
39 limited to only flat goods or apparel owned, distributed or controlled
40 entirely by the institutions and shall not include processing by any dry-
41 cleaning methods; provided, however, those garments and items
42 presently being serviced by wet-washing, drying and ironing may in the

1 future, at the election of the Department of Correction, be processed by
2 a dry-cleaning method.

3 (17) The North Carolina Global TransPark Authority or a lessee of the
4 Authority.

5 (18) The activities and products of private enterprise carried on or
6 manufactured within a State prison facility pursuant to G.S. 148-70.

7 (19) The North Carolina Justice Academy.

8 (20) The Department of Transportation, or any nonprofit lessee of the
9 Department, for the sale of books, crafts, gifts, and other tourism-related
10 items at visitor centers owned by the Department."

11 Section 4.(g) G.S. 66-58(c)(7) reads as rewritten:

12 "(7) The operation by penal, correctional or facilities operated by the
13 Department of Health and Human Services, the ~~Office of Juvenile Justice,~~
14 Department of Juvenile Justice and Delinquency Prevention, or by the
15 Department of Agriculture and Consumer Services, of dining rooms for
16 the inmates or clients or members of the staff while on duty and for the
17 accommodation of persons visiting the inmates or clients, and other
18 bona fide visitors."

19 Section 4.(h) G.S. 114-19.6 reads as rewritten:

20 "**§ 114-19.6. Criminal history record checks of employees of and applicants for**
21 **employment with the Department of Health and Human Services, and the**
22 **~~Office of Juvenile Justice.~~ Department of Juvenile Justice and Delinquency**
23 **Prevention.**

24 (a) Definitions. – As used in this section, the term:

25 (1) "Covered person" means:

26 a. An applicant for employment or a current employee in a position
27 in the Department of Health and Human Services or the ~~Office of~~
28 Juvenile Justice-Department of Juvenile Justice and Delinquency
29 Prevention who provides direct care for a client, patient, student,
30 resident or ward of the Department; or

31 b. Supervises positions providing direct care as outlined in sub-
32 subdivision a. of this subdivision.

33 (2) "Criminal history" means a State or federal history of conviction of a
34 crime, whether a misdemeanor or felony, that bears upon a covered
35 person's fitness for employment in the Department of Health and
36 Human Services or the ~~Office of Juvenile Justice.~~ Department of Juvenile
37 Justice and Delinquency Prevention. The crimes include, but are not
38 limited to, criminal offenses as set forth in any of the following Articles
39 of Chapter 14 of the General Statutes: Article 5, Counterfeiting and
40 Issuing Monetary Substitutes; Article 5A, Endangering Executive and
41 Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other
42 Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
43 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive

1 or Incendiary Device or Material; Article 14, Burglary and Other
2 Housebreakings; Article 15, Arson and Other Burnings; Article 16,
3 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19,
4 False Pretenses and Cheats; Article 19A, Obtaining Property or Services
5 by False or Fraudulent Use of Credit Device or Other Means; Article
6 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article
7 21, Forgery; Article 26, Offenses Against Public Morality and Decency;
8 Article 26A, Adult Establishments; Article 27, Prostitution; Article 28,
9 Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office;
10 Article 35, Offenses Against the Public Peace; Article 36A, Riots and
11 Civil Disorders; Article 39, Protection of Minors; Article 40, Protection
12 of the Family; Article 59, Public Intoxication; and Article 60,
13 Computer-Related Crime. The crimes also include possession or sale of
14 drugs in violation of the North Carolina Controlled Substances Act,
15 Article 5 of Chapter 90 of the General Statutes, and alcohol-related
16 offenses such as sale to underage persons in violation of G.S. 18B-302,
17 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-
18 138.5.

19 (b) When requested by the Department of Health and Human Services or the
20 ~~Office of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention~~, the
21 North Carolina Department of Justice may provide to the ~~Department or Office requesting~~
22 department a covered person's criminal history from the State Repository of Criminal
23 Histories. Such requests shall not be due to a person's age, sex, race, color, national
24 origin, religion, creed, political affiliation, or handicapping condition as defined by G.S.
25 168A-3. For requests for a State criminal history record check only, the ~~Department or~~
26 ~~Office requesting department~~ shall provide to the Department of Justice a form consenting
27 to the check signed by the covered person to be checked and any additional information
28 required by the Department of Justice. National criminal record checks are authorized for
29 covered applicants who have not resided in the State of North Carolina during the past
30 five years. For national checks the ~~Department or Office of Health and Human Services or~~
31 ~~the Department of Juvenile Justice and Delinquency Prevention~~ shall provide to the North
32 Carolina Department of Justice the fingerprints of the covered person to be checked, any
33 additional information required by the Department of Justice, and a form signed by the
34 covered person to be checked consenting to the check of the criminal record and to the
35 use of fingerprints and other identifying information required by the State or National
36 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of
37 Investigation for a search of the State criminal history record file and the State Bureau of
38 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for
39 a national criminal history record check. The Department of Health and Human Services
40 and the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency
41 Prevention shall keep all information pursuant to this section confidential. The
42 Department of Justice shall charge a reasonable fee for conducting the checks of the
43 criminal history records authorized by this section.

1 (c) All releases of criminal history information to the Department of Health and
2 Human Services or the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and
3 Delinquency Prevention shall be subject to, and in compliance with, rules governing the
4 dissemination of criminal history record checks as adopted by the North Carolina
5 Division of Criminal Information. All of the information ~~the Department or Office~~ either
6 department receives through the checking of the criminal history is privileged
7 information and for the exclusive use of ~~the Department or Office~~ that department.

8 (d) If the covered person's verified criminal history record check reveals one or
9 more convictions covered under subsection (a) of this section, then the conviction shall
10 constitute just cause for not selecting the person for employment, or for dismissing the
11 person from current employment with the Department of Health and Human Services or
12 the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention.
13 The conviction shall not automatically prohibit employment; however, the following
14 factors shall be considered by the Department ~~or Office~~ of Health and Human Services or
15 the Department of Juvenile Justice and Delinquency Prevention in determining whether
16 employment shall be denied:

- 17 (1) The level and seriousness of the crime;
- 18 (2) The date of the crime;
- 19 (3) The age of the person at the time of the conviction;
- 20 (4) The circumstances surrounding the commission of the crime, if known;
- 21 (5) The nexus between the criminal conduct of the person and job duties of
22 the person;
- 23 (6) The prison, jail, probation, parole, rehabilitation, and employment
24 records of the person since the date the crime was committed; and
- 25 (7) The subsequent commission by the person of a crime listed in
26 subsection (a) of this section.

27 (e) The Department of Health and Human Services and the ~~Office of Juvenile~~
28 ~~Justice~~ Department of Juvenile Justice and Delinquency Prevention may deny
29 employment to or dismiss a covered person who refuses to consent to a criminal history
30 record check or use of fingerprints or other identifying information required by the State
31 or National Repositories of Criminal Histories. Any such refusal shall constitute just
32 cause for the employment denial or the dismissal from employment.

33 (f) The Department of Health and Human Services and the ~~Office of Juvenile~~
34 ~~Justice~~ Department of Juvenile Justice and Delinquency Prevention may extend a
35 conditional offer of employment pending the results of a criminal history record check
36 authorized by this section."

37 Section 4.(i) G.S. 114-21(b) reads as rewritten:

38 "(b) The ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency
39 Prevention shall ensure that all juvenile court counselors and other Division personnel
40 receive the minority sensitivity training specified in subsection (a) of this section."

41 Section 4.(j) G.S. 115C-110 reads as rewritten:

42 "**§ 115C-110. Services mandatory; single-agency responsibility; State and local**
43 **plans; census and registration.**

1 (a) The Board shall cause to be provided by all local school administrative units
2 and by all other State and local governmental agencies providing special education
3 services or having children with special needs in their care, custody, management,
4 jurisdiction, control, or programs, special education and related services appropriate to all
5 children with special needs. In this regard, all local school administrative units and all
6 other State and local governmental agencies providing special education and related
7 services shall explore available local resources and determine whether the services are
8 currently being offered by an existing public or private agency.

9 When a specified special education or related service is being offered by a local
10 public or private resource, any unit or agency described above shall negotiate for the
11 purchase of that service or shall present full consideration of alternatives and its
12 recommendations to the Board. In this regard, a new or additional program for special
13 education or related services shall be developed with the approval of the Board only
14 when that service is not being provided by existing public or private resources or the
15 service cannot be purchased from existing providers. Further, the Board shall support and
16 encourage joint and collaborative special education planning and programming at local
17 levels to include local administrative units and the programs and agencies of the
18 ~~Departments of Health and Human Services and Correction and the Office of Juvenile Justice~~
19 Services, Correction, and Juvenile Justice and Delinquency Prevention.

20 The jurisdiction of the Board with respect to the design and content of special
21 education programs or related services for children with special needs extends to and
22 over the Department of Health and Human Services, the ~~Office of Juvenile Justice~~,
23 Department of Juvenile Justice and Delinquency Prevention, and the Department of
24 Correction.

25 All provisions of this Article that are specifically applicable to local school
26 administrative units also are applicable to the Department of Health and Human Services,
27 the ~~Office of Juvenile Justice~~, Department of Juvenile Justice and Delinquency Prevention,
28 and the Department of Correction and their divisions and agencies; all duties,
29 responsibilities, rights and privileges specifically imposed on or granted to local school
30 administrative units by this Article also are imposed on or granted to the Department of
31 Health and Human Services, the ~~Office of Juvenile Justice~~, Department of Juvenile Justice
32 and Delinquency Prevention, and the Department of Correction and their divisions and
33 agencies. However, with respect to children with special needs who are residents or
34 patients of any state-operated or state-supported residential treatment facility, including
35 without limitation, a school for the deaf, school for the blind, mental hospital or center,
36 mental retardation center, or in a facility operated by the ~~Office of Juvenile Justice~~,
37 Department of Juvenile Justice and Delinquency Prevention, the Department of
38 Correction or any of its divisions and agencies, the Board shall have the power to contract
39 with the Department of Health and Human Services, the ~~Office of Juvenile Justice~~,
40 Department of Juvenile Justice and Delinquency Prevention, and the Department of
41 Correction for the provision of special education and related services and the power to
42 review, revise and approve any plans for special education and related services to those
43 residents.

1 The Departments of Health and Human ~~Services and Correction and the Office of~~
2 ~~Juvenile Justice Services, Correction, and Juvenile Justice and Delinquency Prevention~~
3 shall submit to the Board their plans for the education of children with special needs in
4 their care, custody, or control. The Board shall have general supervision and shall set
5 standards, by rule or regulation, for the programs of special education to be administered
6 by it, by local educational agencies, and by the Departments of Health and Human
7 ~~Services and Correction and the Office of Juvenile Justice.~~ Services, Correction, and Juvenile
8 Justice and Delinquency Prevention. The Board may grant specific exemptions for
9 programs administered by the Department of Health and Human Services, the ~~Office of~~
10 ~~Juvenile Justice,~~ Department of Juvenile Justice and Delinquency Prevention, or the
11 Department of Correction when compliance by them with the Board's standards would, in
12 the Board's judgment, impose undue hardship on this Department ~~or Office~~ and when
13 other procedural due process requirements, substantially equivalent to those of G.S.
14 115C-116, are assured in programs of special education and related services furnished to
15 children with special needs served by this ~~Department or Office.~~ Department. Further, the
16 Board shall recognize that inpatient and residential special education programs within the
17 Departments of Health and Human ~~Services and Correction and the Office of Juvenile Justice~~
18 Services, Correction, and Juvenile Justice and Delinquency Prevention may require more
19 program resources than those necessary for optimal operation of these programs in local
20 school administrative units.

21 Every State and local department, division, unit or agency covered by this section is
22 hereinafter referred to as a "local educational agency" unless the text of this Article
23 otherwise provides.

24 (b) The Board shall make and keep current a plan for the implementation of the
25 policy set forth in G.S. 115C-106(b). The plan shall include:

- 26 (1) A census of the children with special needs in the State, as required by
27 subsection (j) of this section;
- 28 (2) A procedure for diagnosis and evaluation of each child;
- 29 (3) An inventory of the personnel and facilities available to provide special
30 education for these children;
- 31 (4) An analysis of the present distribution of responsibility for special
32 education between State and local educational agencies, together with
33 recommendations for any necessary or desirable changes in the
34 distribution of responsibilities;
- 35 (5) Standards for the education of children with special needs;
- 36 (6) Programs and procedures for the development and implementation of a
37 comprehensive system of personnel development; and
- 38 (7) Any additional matters, including recommendations for amendment of
39 laws, changes in administrative regulations, rules and practices and
40 patterns of special organization, and changes in levels and patterns of
41 education financial support.

42 (c) The Board shall annually submit amendments to or revisions of the plan
43 required by subsection (b) to the Governor and General Assembly and make it available

1 for public comment pursuant to subdivision (1) and for public distribution no less than 30
2 days before January 15 of each year. All such submissions shall set forth in detail the
3 progress made in the implementation of the plan.

4 (d) The Board shall adopt rules covering:

5 (1) The qualifications of and standards for certification of teachers, teacher
6 assistants, speech clinicians, school psychologists, and others involved
7 in the education and training of children with special needs;

8 (2) Minimum standards for the individualized educational program for all
9 children with special needs other than for the pregnant children, and for
10 the educational program for the pregnant children, who receive special
11 education and related services; and

12 (3) Any other rules as may be necessary or appropriate for carrying out the
13 purposes of this Article. Representatives from the Departments of
14 Health and Human Services and Correction and the Office of Juvenile
15 Justice Services, Correction, and Juvenile Justice and Delinquency
16 Prevention shall be involved in the development of the standards
17 outlined under this subsection.

18 (e) On or before October 15, each local educational agency shall report annually to
19 the Board the extent to which it is then providing special education for children with
20 special needs. The annual report also shall detail the means by which the local
21 educational agency proposes to secure full compliance with the policy of this Article,
22 including the following:

23 (1) A statement of the extent to which the required education and services
24 will be provided directly by the agency;

25 (2) A statement of the extent to which standards in force pursuant to G.S.
26 115C-110(b)(5) and (d)(2) are being met by the agency; and

27 (3) The means by which the agency will contract to provide, at levels
28 meeting standards in force pursuant to G.S. 115C-110(b)(5) and (d)(2),
29 all special education and related services not provided directly by it or
30 by the State.

31 (f) After submitting the report required by subsection (e), the local educational
32 agency also shall submit such supplemental and additional reports as the Board may
33 require to keep the local educational agency's plan current.

34 (g) By rule, the Board shall prescribe due dates not later than October 15 of each
35 year, and all other necessary or appropriate matters relating to these annual and
36 supplemental and additional reports.

37 (h) The annual report shall be a two-year plan for providing appropriate special
38 education and related services to children with special needs. The agency shall submit the
39 plan to the Board for its review, approval, modification, or disapproval. Unless thereafter
40 modified with approval of the Board, the plan shall be adhered to by the local educational
41 agency. The procedure for approving, disapproving, establishing, and enforcing the plan
42 shall be the same as that set forth for the annual plan. The long-range plan shall include
43 such provisions as may be appropriate for the following, without limitation:

1 (1) Establishment of classes, other programs of instruction, curricula,
2 facilities, equipment, and special services for children with special
3 needs; and

4 (2) Utilization and professional development of teachers and other
5 personnel working with children with special needs.

6 (i) Each local educational agency shall provide free appropriate special education
7 and related services in accordance with the provisions of this Article for all children with
8 special needs who are residents of, or whose parents or guardians are residents of, the
9 agency's district, beginning with children aged five. No matriculation or tuition fees or
10 other fees or charges shall be required or asked of children with special needs or their
11 parents or guardians except those fees or charges as are required uniformly of all public
12 school pupils. The provision of free appropriate special education within the facilities of
13 the Department of Health and Human Services and the ~~Office of Juvenile Justice~~
14 Department of Juvenile Justice and Delinquency Prevention shall not prevent that
15 Department ~~and Office~~ from charging for other services or treatment.

16 (j) The Board shall require an annual census of children with special needs,
17 subdivided for "identified" and "suspected" children with special needs, to be taken in each
18 school year. Suspected children are those in the formal process of being identified,
19 evaluated or diagnosed as children with special needs. The census shall be conducted
20 annually and shall be completed not later than October 15, and shall be submitted to the
21 Governor and General Assembly and be made available to the public no later than
22 January 15 annually.

23 In taking the census, the Board shall require the cooperation, participation, and
24 assistance of all local educational agencies and all other State and local governmental
25 departments and agencies providing or required to provide special education services to
26 children with special needs, and those departments and agencies shall cooperate and
27 participate with and assist the Board in conducting the census.

28 The census shall include the number of children identified and suspected with special
29 needs, their age, the nature of their disability, their county or city of residence, their local
30 school administrative unit residence, whether they are being provided special educational
31 or related services and if so by what department or agency, whether they are not being
32 provided special education or related services, the identity of each department or agency
33 having children with special needs in its care, custody, management, jurisdiction, control,
34 or programs, the number of children with special needs being served by each department
35 or agency, and such other information or data as the Board shall require. The census shall
36 be of children with special needs between the ages of three and 21, inclusive.

37 (k) The Department shall monitor the effectiveness of individualized education
38 programs in meeting the educational needs of all children with special needs other than
39 pregnant children, and of educational programs in meeting the educational needs of the
40 pregnant children.

41 (l) The Board shall provide for procedures assuring that in carrying out the
42 requirements of this Article procedures are established for consultation with individuals
43 involved in or concerned with the education of children with special needs, including

1 parents or guardians of such children, and there are public hearings, adequate notice of
2 such hearings, and an opportunity for comment available to the general public prior to the
3 adoption of the policies, procedures, and rules or regulations required by this Article.

4 (m) Children with special needs shall be educated in the least restrictive
5 appropriate setting, as defined by the State Board of Education."

6 Section 4.(k) G.S. 115C-111 reads as rewritten:

7 "**§ 115C-111. Free appropriate education for all children with special needs.**

8 No child with special needs between the ages specified by G.S. 115C-109 shall be
9 denied a free appropriate public education or be prevented from attending the public
10 schools of the local educational agency in which he or his parents or legal guardian
11 resides or from which he receives services or from attending any other public program of
12 free appropriate public education because he is a child with special needs. If it appears
13 that a child should receive a program of free appropriate public education in a program
14 operated by or under the supervision of the Department of Health and Human Services or
15 the ~~Office of Juvenile Justice,~~ Department of Juvenile Justice and Delinquency Prevention,
16 the local educational agency shall confer with the appropriate Department of Health and
17 Human Services or ~~Office of Juvenile Justice~~ Department of Juvenile Justice and
18 Delinquency Prevention staff for their participation and determination of the
19 appropriateness of placement in said program and development of the child's
20 individualized education program. The individualized education program may then be
21 challenged under the due process provisions of G.S. 115C-116. Every child with special
22 needs shall be entitled to attend these nonresidential schools or programs and receive
23 from them free appropriate public education."

24 Section 4.(l) G.S. 115C-113(f) reads as rewritten:

25 "(f) Each local educational agency shall prepare individualized educational
26 programs for all children found to be children with special needs other than the pregnant
27 children, and educational programs prescribed in subsection (h) of this section for the
28 pregnant children. The individualized educational program shall be developed in
29 conformity with Public Law 94-142 and the implementing regulations issued by the
30 United States Department of Education and shall be implemented in conformity with
31 timeliness set by that Department. The term 'individualized educational program' means a
32 written statement for each such child developed in any meeting by a representative of the
33 local educational agency who shall be qualified to provide, or supervise the provision of,
34 specially designed instruction to meet the unique needs of such children, the teacher, the
35 parents or guardian of such child, and, whenever appropriate, such child, which statement
36 shall be based on rules developed by the Board. Each local educational agency shall
37 establish, or revise, whichever is appropriate, the individualized educational program of
38 each child with special needs each school year and will then review and, if appropriate
39 revise, its provisions periodically, but not less than annually. In the facilities and
40 programs of the Department of Health and Human Services and the ~~Office of Juvenile~~
41 ~~Justice,~~ Department of Juvenile Justice and Delinquency Prevention, the individualized
42 educational program shall be planned in collaboration with those other individuals
43 responsible for the design of the total treatment or habilitation plan or both; the resulting

1 educational, treatment, and habilitation plans shall be coordinated, integrated, and
2 internally consistent."

3 Section 4.(m) G.S. 115C-113.1 reads as rewritten:

4 **"§ 115C-113.1. Surrogate parents.**

5 In the case of a child whose parent or guardian is unknown, whose whereabouts
6 cannot be determined after reasonable investigation, or who is a ward of the State, the
7 local educational agency shall appoint a surrogate parent for the child. The surrogate
8 parent shall be appointed from a group of persons approved by the Superintendent of
9 Public Instruction, the Secretary of Health and Human Services, and the ~~Office of Juvenile~~
10 ~~Justice, Secretary of Juvenile Justice and Delinquency Prevention,~~ but in no case shall the
11 person appointed be an employee of the local educational agency or directly involved in
12 the education or care of the child. The Superintendent shall ensure that local educational
13 agencies appoint a surrogate parent for every child in need of a surrogate parent."

14 Section 4.(n) G.S. 115C-115 reads as rewritten:

15 **"§ 115C-115. Placements in private schools, out-of-state schools and schools in other
16 local educational agencies.**

17 The board shall adopt rules and regulations to assure that:

- 18 (1) There be no cost to the parents or guardian for the placement of a child
19 in a private school, out-of-state school or a school in another local
20 education agency if the child was so placed by the Board or by the
21 appropriate local educational agency as the means of carrying out the
22 requirement of this Article or any other applicable law requiring the
23 provision of special education and related services to children within the
24 State.
- 25 (2) No child shall be placed by the Board or by the local educational agency
26 in a private or out-of-state school unless the Board has determined that
27 the school meets standards that apply to State and local educational
28 agencies and that the child so placed will have all the rights he would
29 have if served by a State or local educational agency.
- 30 (3) If the placement of the child in a private school, out-of-state school or a
31 school in another local educational agency determined by the
32 Superintendent of Public Instruction to be the most cost-effective way to
33 provide an appropriate education to that child and the child is not
34 currently being educated by the Department of Health and Human
35 Services, the ~~Office of Juvenile Justice, Department of Juvenile Justice~~
36 ~~and Delinquency Prevention,~~ or the Department of Correction, the State
37 will bear a portion of the cost of the placement of the child. The local
38 school administrative unit shall pay an amount equal to what it receives
39 per pupil from the State Public School Fund and from other State and
40 federal funds for children with special needs for that child. The State
41 shall pay the full cost of any remainder up to a maximum of fifty
42 percent (50%) of the total cost."

43 Section 4.(o) G.S. 115C-121(b) reads as rewritten:

1 "(b) The Council shall consist of 23 members to be appointed as follows: five ex
2 officio members; two members appointed by the Governor; two members of the Senate
3 appointed by the President Pro Tempore; two members of the House of Representatives
4 appointed by the Speaker of the House; and 12 members appointed by the State Board of
5 Education. Of those members of the Council appointed by the State Board one member
6 shall be selected from each congressional district within the State, and the members so
7 selected shall be composed of at least one person representing each of the following:
8 handicapped individuals, parents or guardians of children with special needs, teachers of
9 children with special needs, and State and local education officials and administrators of
10 programs for children with special needs. The Council shall designate a chairperson from
11 among its members. The designation of the chairperson is subject to the approval of the
12 State Board of Education. The board shall promulgate rules or regulations to carry out
13 this subsection.

14 Ex officio members of the Council shall be the following:

- 15 (1) The Secretary of the Department of Health and Human Services or the
16 Secretary's designee;
- 17 (1a) A representative of the ~~Office of Juvenile Justice~~, Department of Juvenile
18 Justice and Delinquency Prevention, appointed by the Governor;
- 19 (2) The Secretary of the Department of Correction or the Secretary's
20 designee;
- 21 (3) A representative from The University of North Carolina Planning
22 Consortium for Children with Special Needs; and
- 23 (4) The Superintendent of Public Instruction or the Superintendent's
24 designee.

25 The term of appointment for all members except those appointed by the State Board
26 of Education shall be for two years. The term for members appointed by the State Board
27 of Education shall be for four years. No person shall serve more than two consecutive
28 four-year terms. The initial term of office of the person appointed from the 12th
29 Congressional District shall commence on January 3, 1993, and expire on June 30, 1996.

30 Each Council member shall serve without pay, but shall receive travel allowances and
31 per diem in the same amount provided for members of the North Carolina General
32 Assembly."

33 Section 4.(p) G.S. 115C-139(a) reads as rewritten:

34 "(a) The Board, any two or more local educational agencies and any such agency
35 and any State department, agency, or division having responsibility for the education,
36 treatment or habilitation of children with special needs are authorized to enter into
37 interlocal cooperation undertakings pursuant to the provisions of Chapter 160A, Article
38 20, Part 1 of the General Statutes or into undertakings with a State agency such as the
39 ~~Office of Juvenile Justice or the Departments of Public Instruction, Health and Human~~
40 Services, Juvenile Justice and Delinquency Prevention, or Correction, or their divisions,
41 agencies, or units, for the purpose of providing for the special education and related
42 services, treatment or habilitation of such children within the jurisdiction of the agency or
43 unit, and shall do so when it itself is unable to provide the appropriate public special

1 education or related services for these children. In entering into such undertakings, the
2 local agency and State department, agency, or division shall also contract to provide the
3 special education or related services that are most educationally appropriate to the
4 children with special needs for whose benefit the undertaking is made, and provide these
5 services by or in the local agency unit or State department, agency, or division located in
6 the place most convenient to these children."

7 Section 4.(q) G.S. 115C-250(a) reads as rewritten:

8 "(a) The State Board of Education and local boards of education may expend public
9 funds for transportation of handicapped children with special needs who are unable
10 because of their handicap to ride the regular school buses and who have been placed in
11 programs by a local school board as a part of its duty to provide such children with a free
12 appropriate education, including its duty under G.S. 115C-115. At the option of the local
13 board of education with the concurrence of the State Board of Education, funds
14 appropriated to the State Board of Education for contract transportation of exceptional
15 children may be used to purchase buses and minibuses as well as for the purposes
16 authorized in the budget. The State Board of Education shall adopt rules and regulations
17 concerning the construction and equipment of these buses and minibuses.

18 ~~The Department~~ Departments of Health and Human Services, ~~the Office Juvenile Justice,~~
19 ~~and the Department of Juvenile Justice and Delinquency Prevention, and Correction~~ may
20 also expend public funds for transportation of handicapped children with special needs
21 who are unable because of their handicap to ride the regular school buses and who have
22 been placed in programs by one of these agencies as a part of that agency's duty to
23 provide such children with a free appropriate public education.

24 If a local area mental health center places a child with special needs in an educational
25 program, the local area mental health center shall pay for the transportation of the child,
26 if handicapped and unable because of the handicap to ride the regular school buses, to the
27 program."

28 Section 4.(r) G.S. 115C-325(p) reads as rewritten:

29 "(p) Section Applicable to Certain Institutions. – Notwithstanding any law or
30 regulation to the contrary, this section shall apply to all persons employed in teaching and
31 related educational classes in the schools and institutions of the ~~Departments of Health~~
32 ~~and Human Services and Correction or the Office of Juvenile Justice Services, Correction, or~~
33 Juvenile Justice and Delinquency Prevention regardless of the age of the students."

34 Section 4.(s) G.S. 115D-1 reads as rewritten:

35 "**§ 115D-1. Statement of purpose.**

36 The purposes of this Chapter are to provide for the establishment, organization, and
37 administration of a system of educational institutions throughout the State offering
38 courses of instruction in one or more of the general areas of two-year college parallel,
39 technical, vocational, and adult education programs, to serve as a legislative charter for
40 such institutions, and to authorize the levying of local taxes and the issuing of local bonds
41 for the support thereof. The major purpose of each and every institution operating under
42 the provisions of this Chapter shall be and shall continue to be the offering of vocational
43 and technical education and training, and of basic, high school level, academic education

1 needed in order to profit from vocational and technical education, for students who are
2 high school graduates or who are beyond the compulsory age limit of the public school
3 system and who have left the public schools, provided, juveniles of any age committed to
4 the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention
5 by a court of competent jurisdiction may, if approved by the director of the training
6 school to which they are assigned, take courses offered by institutions of the system if
7 they are otherwise qualified for admission."

8 Section 4.(t) G.S. 115D-5(b) reads as rewritten:

9 "(b) In order to make instruction as accessible as possible to all citizens, the
10 teaching of curricular courses and of noncurricular extension courses at convenient
11 locations away from institution campuses as well as on campuses is authorized and shall
12 be encouraged. A pro rata portion of the established regular tuition rate charged a full-
13 time student shall be charged a part-time student taking any curriculum course. In lieu of
14 any tuition charge, the State Board of Community Colleges shall establish a uniform
15 registration fee, or a schedule of uniform registration fees, to be charged students
16 enrolling in extension courses for which instruction is financed primarily from State
17 funds; provided, however, that the State Board of Community Colleges may provide by
18 general and uniform regulations for waiver of tuition and registration fees for persons not
19 enrolled in elementary or secondary schools taking courses leading to a high school
20 diploma or equivalent certificate, for training courses for volunteer firemen, local fire
21 department personnel, volunteer rescue and lifesaving department personnel, local rescue
22 and lifesaving department personnel, Radio Emergency Associated Citizens Team
23 (REACT) members when the REACT team is under contract to a county as an emergency
24 response agency, local law-enforcement officers, patients in State alcoholic rehabilitation
25 centers, all full-time custodial employees of the Department of Correction, employees of
26 the Department's Division of Adult Probation and Parole and employees of the ~~Office of~~
27 ~~Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention required to be
28 certified pursuant to Chapter 17C of the General Statutes and the rules of the Criminal
29 Justice and Training Standards Commission, trainees enrolled in courses conducted under
30 the New and Expanding Industry Program, clients of sheltered workshops, clients of adult
31 developmental activity programs, students in Health and Human Services Development
32 Programs, juveniles of any age committed to the ~~Office of Juvenile Justice~~ Department of
33 Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction, prison
34 inmates, and members of the North Carolina State Defense Militia as defined in G.S.
35 127A-5 and as administered pursuant to Article 5 of Chapter 127A of the General
36 Statutes. Provided further, tuition shall be waived for senior citizens attending institutions
37 operating pursuant to this Chapter as set forth in Chapter 115B of the General Statutes,
38 Tuition Waiver for Senior Citizens. Provided further, tuition shall also be waived for all
39 courses taken by high school students at community colleges in accordance with G.S.
40 115D-20(4) and this section."

41 Section 4.(u) G.S. 120-216 reads as rewritten:

42 "**§ 120-216. Commission duties.**

43 The Commission shall have the following duties:

- 1 (1) Study the needs of children and youth. This study shall include, but is
2 not limited to:
- 3 a. Determining the adequacy and appropriateness of services:
4 1. To children and youth receiving child welfare services;
5 2. To children and youth in the juvenile court system; and
6 3. Provided by the Division of Social Services and the ~~Office~~
7 ~~of Juvenile Justice.~~ Department of Juvenile Justice and
8 Delinquency Prevention.
- 9 b. Developing methods for identifying and providing services to
10 children and youth not receiving but in need of child welfare
11 services, children and youth at risk of entering the juvenile court
12 system, and children and youth exposed to domestic violence
13 situations.
- 14 c. Developing strategies for addressing the issues of school dropout,
15 teen suicide, and adolescent pregnancy.
- 16 d. Identifying and evaluating the impact on children and youth of
17 other economic and environmental issues.
- 18 e. Identifying obstacles to ensuring that children who are in secure
19 or nonsecure custody are placed in safe and permanent homes
20 within a reasonable period of time and recommending strategies
21 for overcoming those obstacles. The Commission shall consider
22 what, if anything, can be done to expedite the adjudication and
23 appeal of abuse and neglect charges against parents so that
24 decisions may be made about the safe and permanent placement
25 of their children as quickly as possible.
- 26 (2) Evaluate problems associated with juveniles who are beyond the
27 disciplinary control of their parents, including juveniles who are
28 runaways, and develop solutions for addressing the problems of those
29 juveniles.
- 30 (3) Identify strategies for the development and funding of a comprehensive
31 statewide database relating to children and youth to facilitate State
32 agency planning for delivery of services to children and youth.
- 33 (4) Conduct any other studies, evaluations, or assessments necessary for the
34 Commission to carry out its purpose."

35 Section 4.(v) G.S. 122C-3(13a) reads as rewritten:

- 36 "(13a) 'Eligible assaultive and violent children' means children who are citizens
37 of North Carolina and:
- 38 a. Who suffer from emotional, mental, or neurological handicaps
39 that have been accompanied by behavior that is characterized as
40 violent or assaultive; and
- 41 b. Who are involuntarily institutionalized or otherwise placed in
42 residential programs, including:

- 1 1. Minors who are mentally ill as defined by G.S. 122C-
2 3(21) and who are admitted for evaluation or treatment to
3 a treatment facility under Article 5 of Chapter 122C of the
4 General Statutes or are presented for admission and
5 denied due to their behaviors or handicapping conditions;
- 6 2. Minors who are referred to an area mental health,
7 developmental disabilities, and substance abuse authority
8 pursuant to G.S. 7B-903 for whom residential treatment or
9 placement is recommended;
- 10 3. Minors who are placed in residential programs as a
11 condition of probation pursuant to G.S. 7B-2506;
- 12 4. Minors who are ordered to a professional residential
13 treatment program pursuant to G.S. 7B-2506; and
- 14 5. Minors committed to the custody of the ~~Office of Juvenile~~
15 ~~Justice, Department of Juvenile Justice and Delinquency~~
16 ~~Prevention,~~ pursuant to G.S. 7B-2506; and
- 17 c. For whom the State has not provided appropriate treatment and
18 educational programs."

19 Section 4.(w) G.S. 122C-113(b1) reads as rewritten:

20 "(b1) The Secretary shall cooperate with the State Board of Education and the ~~Office~~
21 ~~of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention~~ in
22 coordinating the responsibilities of the Department of Health and Human Services, the
23 State Board of Education, the ~~Office of Juvenile Justice, Department of Juvenile Justice~~
24 ~~and Delinquency Prevention,~~ and the Department of Public Instruction for adolescent
25 substance abuse programs. The Department of Health and Human Services, through its
26 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in
27 cooperation with the ~~Office of Juvenile Justice, Department of Juvenile Justice and~~
28 ~~Delinquency Prevention,~~ shall be responsible for intervention and treatment in non-
29 school based programs. The State Board of Education and the Department of Public
30 Instruction, in consultation with the ~~Office of Juvenile Justice, Department of Juvenile~~
31 ~~Justice and Delinquency Prevention,~~ shall have primary responsibility for in-school
32 education, identification, and intervention services, including student assistance
33 programs."

34 Section 4.(x) G.S. 122C-117(a) reads as rewritten:

35 "(a) The area authority shall:

- 36 (1) Engage in comprehensive planning, budgeting, implementing, and
37 monitoring of community-based mental health, developmental
38 disabilities, and substance abuse services;
- 39 (2) Provide services to clients in the catchment area, including clients
40 committed to the custody of the ~~Office of Juvenile Justice, Department of~~
41 ~~Juvenile Justice and Delinquency Prevention;~~
- 42 (3) Determine the needs of the area authority's clients and coordinate with
43 the Secretary and with the ~~Office of Juvenile Justice, Department of~~

- 1 Juvenile Justice and Delinquency Prevention the provision of services to
- 2 clients through area and State facilities;
- 3 (4) Develop plans and budgets for the area authority subject to the approval
- 4 of the Secretary;
- 5 (5) Assure that the services provided by the area authority meet the rules of
- 6 the Commission and Secretary;
- 7 (6) Comply with federal requirements as a condition of receipt of federal
- 8 grants; and
- 9 (7) Appoint an area director, chosen through a search committee on which
- 10 the Secretary of the Department of Health and Human Services or the
- 11 Secretary's designee serves as a nonvoting member."

12 Section 4.(y) G.S. 143-138(g) reads as rewritten:

13 "(g) Publication and Distribution of Code. – The Building Code Council shall cause

14 to be printed, after adoption by the Council, the North Carolina State Building Code and

15 each amendment thereto. It shall, at the State's expense, distribute copies of the Code and

16 each amendment to State and local governmental officials, departments, agencies, and

17 educational institutions, as is set out in the table below. (Those marked by an asterisk will

18 receive copies only on written request to the Council.)

| 19 OFFICIAL OR AGENCY | NUMBER OF COPIES |
|--|------------------|
| 20 State Departments and Officials | |
| 21 Governor 1 | |
| 22 Lieutenant Governor | 1 |
| 23 Auditor 1 | |
| 24 Treasurer 1 | |
| 25 Secretary of State | 1 |
| 26 Superintendent of Public Instruction..... | 1 |
| 27 Attorney General (Library) | 1 |
| 28 Commissioner of Agriculture..... | 1 |
| 29 Commissioner of Labor..... | 1 |
| 30 Commissioner of Insurance | 1 |
| 31 Department of Environment and | |
| 32 Natural Resources 1 | |
| 33 Department of Health and Human Services..... | 1 |
| 34 Office of Juvenile Justice | |
| 35 <u>Department of Juvenile Justice and</u> | |
| 36 <u>Delinquency Prevention</u> 1 | |
| 37 Board of Transportation | 1 |
| 38 Utilities Commission..... | 1 |
| 39 Department of Administration | 1 |
| 40 Clerk of the Supreme Court | 1 |
| 41 Clerk of the Court of Appeals | 1 |
| 42 Clerk of the Superior Court..... | 1 each |
| 43 | |

1 Department of Cultural Resources [State
2 Library] 5
3 Supreme Court Library 2
4 Legislative Library 1
5 Schools
6 All state-supported colleges and universities
7 in the State of North Carolina *1 each
8 Local Officials
9 Clerks of the Superior Courts..... 1 each
10 Chief Building Inspector of each incorporated
11 municipality or county 1
12

13 In addition, the Building Code Council shall make additional copies available at such
14 price as it shall deem reasonable to members of the general public."

15 Section 4.(z) G.S. 143-166.2(d) reads as rewritten:

16 "(d) The term 'law-enforcement officer,' 'officer,' or 'fireman' shall mean all law-
17 enforcement officers employed full time by the State of North Carolina or any county or
18 municipality thereof and all full-time custodial employees of the North Carolina
19 Department of Correction and all full-time institutional and detention employees of the
20 ~~Division of Youth Services of the Department of Health and Human Services.~~ Department of
21 Juvenile Justice and Delinquency Prevention. The term 'firemen' shall mean both 'eligible
22 fireman'; or 'fireman' as defined in G.S. 58-86-25 and all full-time, permanent part-time
23 and temporary employees of the North Carolina Division of Forest Resources,
24 Department of Environment and Natural Resources, during the time they are actively
25 engaged in fire-fighting activities; and shall mean all full-time employees of the North
26 Carolina Department of Insurance during the time they are actively engaged in fire-
27 fighting activities, during the time they are training fire fighters or rescue squad workers,
28 and during the time they are engaged in activities as members of the State Emergency
29 Response Team, when the Team has been activated. The term 'rescue squad worker' shall
30 mean a person who is dedicated to the purpose of alleviating human suffering and
31 assisting anyone who is in difficulty or who is injured or becomes suddenly ill by
32 providing the proper and efficient care or emergency medical services. In addition, this
33 person must belong to an organized rescue squad which is eligible for membership in the
34 North Carolina Association of Rescue Squads, Inc., and the person must have attended a
35 minimum of 36 hours of training and meetings in the last calendar year. Each rescue
36 squad belonging to the North Carolina Association of Rescue Squads, Inc., must file a
37 roster of those members meeting the above requirements with the State Treasurer on or
38 about January 1 of each year, and this roster must be certified to by the secretary of said
39 association. In addition, the term 'rescue squad worker' shall mean a member of an
40 ambulance service certified by the Department of Health and Human Services pursuant to
41 Article 7 of Chapter 131E of the General Statutes. The Department of Health and Human
42 Services shall furnish a list of ambulance service members to the State Treasurer on or
43 about January 1 of each year. The term 'Civil Air Patrol members' shall mean those senior

1 members of the North Carolina Wing-Civil Air Patrol 18 years of age or older and
2 currently certified pursuant to G.S. 143B-491(a). The term 'fireman' shall also mean
3 county fire marshals when engaged in the performance of their county duties. The term
4 'rescue squad worker' shall also mean county emergency services coordinators when
5 engaged in the performance of their county duties."

6 Section 4.(aa) G.S. 143B-150.5(d) reads as rewritten:

7 "(d) The Secretary of the Department of Health and Human Services shall ensure
8 the cooperation of the Division of Social Services, ~~the Division of Youth Services,~~ the
9 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services,
10 and the Division of Medical Assistance, in carrying out the provisions of this Part."

11 Section 4.(bb) G.S. 143B-150.7(b) reads as rewritten:

12 "(b) The Committee shall have 24 members appointed for staggered four-year terms
13 and until their successors are appointed and qualify. The Governor shall have the power
14 to remove any member of the Committee from office in accordance with the provisions
15 of G.S. 143B-13. Members may succeed themselves for one term and may be appointed
16 again after being off the Committee for one term. Six of the members shall be legislators
17 appointed by the General Assembly, three of whom shall be recommended by the
18 Speaker of the House of Representatives, and three of whom shall be recommended by
19 the President Pro Tempore of the Senate. Two of the members shall be appointed by the
20 General Assembly from the public at large, one of whom shall be recommended by the
21 Speaker of the House of Representatives, and one of whom shall be recommended by the
22 President Pro Tempore of the Senate. The remainder of the members shall be appointed
23 by the Governor as follows:

- 24 (1) Four members representing the Department of Health and Human
25 Services, one of whom shall be the Assistant Secretary for Children and
26 Family, one of whom shall represent the Division of Social Services,
27 one of whom shall represent the Division of Mental Health,
28 Developmental Disabilities, and Substance Abuse Services, and one of
29 whom shall represent the Division of Maternal and Child Health;
- 30 (1a) One member representing the ~~Office of Juvenile Justice;~~ Department of
31 Juvenile Justice and Delinquency Prevention;
- 32 (2) Two members, one from each of the following: the Administrative
33 Office of the Courts and the Department of Public Instruction;
- 34 (3) One member who represents the Juvenile Justice Planning Committee of
35 the Governor's Crime Commission, and one member appointed at large;
- 36 (4) One member who is a district court judge certified by the
37 Administrative Office of the Courts to hear juvenile cases;
- 38 (5) One member representing the schools of social work of The University
39 of North Carolina;
- 40 (6) Two members, one of whom is a provider of family preservation
41 services, and one of whom is a consumer of family preservation
42 services; and

- 1 (7) Three members who represent county-level associations; one of whom
2 represents the Association of County Commissioners, one of whom
3 represents the Association of Directors of Social Services, and one of
4 whom represents the North Carolina Council of Mental Health,
5 Developmental Disabilities, and Substance Abuse Services.

6 The Secretary of the Department of Health and Human Services shall serve as the
7 Chair of the Committee. The Secretary shall appoint the cochair of the Committee for a
8 two-year term on a rotating basis from among the Committee members who represent the
9 ~~Office of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention,~~ the
10 Division of Social Services, and the Division of Mental Health, Developmental
11 Disabilities, and Substance Abuse Services."

12 Section 4.(cc) G.S. 143B-152.6 reads as rewritten:

13 "**§ 143B-152.6. Cooperation of State and local agencies.**

14 All agencies of the State and local government, including the ~~Office of Juvenile Justice,~~
15 Department of Juvenile Justice and Delinquency Prevention, departments of social
16 services, health departments, local mental health, mental retardation, and substance abuse
17 authorities, court personnel, law enforcement agencies, The University of North Carolina,
18 the community college system, and cities and counties, shall cooperate with the
19 Department of Health and Human Services, and local nonprofit corporations that receive
20 grants in coordinating the program at the State level and in implementing the program at
21 the local level. The Secretary of Health and Human Services, after consultation with the
22 Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of
23 State agencies and local agencies, and encouraging the cooperation of private entities,
24 especially those receiving State funds, in the coordination and implementation of the
25 program."

26 Section 4.(dd) G.S. 143B-152.14 reads as rewritten:

27 "**§ 143B-152.14. Cooperation of State and local agencies.**

28 All agencies of the State and local government, including the ~~Office of Juvenile Justice,~~
29 Department of Juvenile Justice and Delinquency Prevention, departments of social
30 services, health departments, local mental health, mental retardation, and substance abuse
31 authorities, court personnel, law enforcement agencies, The University of North Carolina,
32 the community college system, and cities and counties, shall cooperate with the
33 Department of Health and Human Services, and local nonprofit corporations that receive
34 grants in coordinating the program at the State level and in implementing the program at
35 the local level. The Secretary of Health and Human Services, after consultation with the
36 Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of
37 State agencies and local agencies and encouraging the cooperation of private entities,
38 especially those receiving State funds, in the coordination and implementation of the
39 program."

40 Section 4.(ee) G.S. 143B-153(2) reads as rewritten:

- 41 "(2) The Social Services Commission shall have the power and duty to
42 establish standards and adopt rules and regulations:

- 1 a. For the programs of public assistance established by federal
2 legislation and by Article 2 of Chapter 108A of the General
3 Statutes of the State of North Carolina with the exception of the
4 program of medical assistance established by G.S. 108A-25(b);
5 b. To achieve maximum cooperation with other agencies of the
6 State and with agencies of other states and of the federal
7 government in rendering services to strengthen and maintain
8 family life and to help recipients of public assistance obtain self-
9 support and self-care;
10 c. For the placement and supervision of dependent juveniles and of
11 delinquent juveniles who are placed in the custody of the ~~Office~~
12 ~~of Juvenile Justice,~~ Department of Juvenile Justice and
13 Delinquency Prevention, and payment of necessary costs of
14 foster home care for needy and homeless children as provided by
15 G.S. 108A-48; and
16 d. For the payment of State funds to private child-placing agencies
17 as defined in G.S. 131D-10.2(4) and residential child care
18 facilities as defined in G.S. 131D-10.2(13) for care and services
19 provided to children who are in the custody or placement
20 responsibility of a county department of social services."

21 Section 4.(ff) G.S. 143B-478 reads as rewritten:

22 "**§ 143B-478. Governor's Crime Commission – creation; composition; terms;**
23 **meetings, etc.**

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

27 (1) The voting members shall be:

- 28 a. The Governor, the Chief Justice of the Supreme Court of North
29 Carolina (or his alternate), the Attorney General, the Director of
30 the Administrative Office of the Courts, the Secretary of the
31 Department of Health and Human Services, the Secretary of the
32 Department of Correction, the ~~Director of the Office of Juvenile~~
33 ~~Justice,~~ Secretary of the Department of Juvenile Justice and
34 Delinquency Prevention, and the Superintendent of Public
35 Instruction;
36 b. A judge of superior court, a judge of district court specializing in
37 juvenile matters, a chief district court judge, a clerk of superior
38 court, and a district attorney;
39 c. A defense attorney, three sheriffs (one of whom shall be from a
40 'high crime area'), three police executives (one of whom shall be
41 from a 'high crime area'), six citizens (two with knowledge of
42 juvenile delinquency and the public school system, two of whom
43 shall be under the age of 21 at the time of their appointment, one

1 representative of a 'private juvenile delinquency program,' and
2 one in the discretion of the Governor), three county
3 commissioners or county officials, and three mayors or municipal
4 officials;

5 d. Two members of the North Carolina House of Representatives
6 and two members of the North Carolina Senate.

7 (2) The nonvoting members shall be the Director of the State Bureau of
8 Investigation, the Secretary of the Department of Crime Control and
9 Public Safety, the Assistant Director of the Intervention/Prevention
10 ~~Bureau of the Office of Juvenile Justice, Division of the Department of~~
11 ~~Juvenile Justice and Delinquency Prevention,~~ the Assistant Director of
12 the Detention ~~Bureau of the Office of Juvenile Justice, Division of the~~
13 ~~Department of Juvenile Justice and Delinquency Prevention,~~ the
14 Director of the Division of Prisons and the Director of the Division of
15 Adult Probation and Paroles.

16 (b) The membership of the Commission shall be selected as follows:

17 (1) The following members shall serve by virtue of their office: the
18 Governor, the Chief Justice of the Supreme Court, the Attorney General,
19 the Director of the Administrative Office of the Courts, the Secretary of
20 the Department of Health and Human Services, the Secretary of the
21 Department of Correction, the Director of the State Bureau of
22 Investigation, the Secretary of the Department of Crime Control and
23 Public Safety, the Director of the Division of Prisons, the Director of the
24 Division of Adult Probation and Parole, the ~~Director of the Office of~~
25 ~~Juvenile Justice, Secretary of the Department of Juvenile Justice and~~
26 ~~Delinquency Prevention,~~ the Assistant Director of the
27 Intervention/Prevention ~~Bureau of the Office of Juvenile Justice, Division~~
28 ~~of the Department of Juvenile Justice and Delinquency Prevention,~~ the
29 Assistant Director of the Detention ~~Bureau of the Office of Juvenile~~
30 ~~Justice, Division of the Department of Juvenile Justice and Delinquency~~
31 ~~Prevention,~~ and the Superintendent of Public Instruction. Should the
32 Chief Justice of the Supreme Court choose not to serve, his alternate
33 shall be selected by the Governor from a list submitted by the Chief
34 Justice which list must contain no less than three nominees from the
35 membership of the Supreme Court.

36 (2) The following members shall be appointed by the Governor: ~~the~~
37 ~~representative of the Office of Juvenile Justice,~~ the district attorney, the
38 defense attorney, the three sheriffs, the three police executives, the six
39 citizens, the three county commissioners or county officials, the three
40 mayors or municipal officials.

41 (3) The following members shall be appointed by the Governor from a list
42 submitted by the Chief Justice of the Supreme Court, which list shall
43 contain no less than three nominees for each position and which list

1 must be submitted within 30 days after the occurrence of any vacancy in
2 the judicial membership: the judge of superior court, the clerk of
3 superior court, the judge of district court specializing in juvenile
4 matters, and the chief district court judge.

5 (4) The two members of the House of Representatives provided by
6 subdivision (a)(1)d. of this section shall be appointed by the Speaker of
7 the House of Representatives and the two members of the Senate
8 provided by subdivision (a)(1)d. of this section shall be appointed by the
9 President Pro Tempore of the Senate. These members shall perform the
10 advisory review of the State plan for the General Assembly as permitted
11 by section 206 of the Crime Control Act of 1976 (Public Law 94-503).

12 (5) The Governor may serve as chairman, designating a vice-chairman to
13 serve at his pleasure, or he may designate a chairman and vice-chairman
14 both of whom shall serve at his pleasure.

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

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

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

37 Section 4.(gg) G.S. 147-45 reads as rewritten:

38 **"§ 147-45. Distribution of copies of State publications.**

39 The Secretary of State shall, at the State's expense, as soon as possible after
40 publication, provide such number of copies of the Session Laws and Senate and House
41 Journals to federal, State, and local governmental officials, departments and agencies,
42 and to educational institutions of instruction and exchange use, as is set out in the table
43 below:

| | Session Laws | Assembly Journals |
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| 1 | | |
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| 1 | Juvenile Justice and Delinquency | | | |
| 2 | <u>Prevention, Department of</u> | 3 | 0 | |
| 3 | Transportation, Department of | 1 | 0 | |
| 4 | Board of Transportation | 3 | 0 | |
| 5 | Motor Vehicles, Division of | 1 | 0 | |
| 6 | Commerce, Department of | 1 | 0 | |
| 7 | Economic Development, Division of | 2 | 0 | |
| 8 | State Ports Authority | 1 | 0 | |
| 9 | Alcoholic Beverage Control Commission, | | | |
| 10 | North Carolina | 2 | 0 | |
| 11 | Banking Commission | 2 | 0 | |
| 12 | Utilities Commission | 8 | 1 | |
| 13 | Industrial Commission | 7 | 0 | |
| 14 | Labor Force Development Council | 1 | 0 | |
| 15 | Milk Commission | 5 | 0 | |
| 16 | Employment Security Commission | 1 | 1 | |
| 17 | Correction, Department of | 1 | 0 | |
| 18 | Department of Correction | 2 | 0 | |
| 19 | Parole Commission | 2 | 0 | |
| 20 | State Prison | 1 | 0 | |
| 21 | Correctional Institutions | 1 ea. | 0 | |
| 22 | Cultural Resources, Department of | 1 | 0 | |
| 23 | Archives and History, Division of | 5 | 1 | |
| 24 | State Library | 5 | 5 | |
| 25 | Publications Division | 1 | 1 | |
| 26 | Crime Control and Public Safety, Department of | | 2 | 1 |
| 27 | North Carolina Crime Commission | 1 | 0 | |
| 28 | Adjutant General | 2 | 0 | |
| 29 | Elections, State Board of | 2 | 0 | |
| 30 | Office of Administrative Hearings | 2 | 0 | |
| 31 | State Personnel Commission | 1 | 0 | |
| 32 | Office of State Personnel | 1 | 1 | |
| 33 | Legislative Branch | | | |
| 34 | State Senators | 1 ea. | 1 ea. | |
| 35 | State Representatives | 1 ea. | 1 ea. | |
| 36 | Principal Clerk – Senate | 1 | 1 | |
| 37 | Principal Clerk – House | 1 | 1 | |
| 38 | Reading Clerk – Senate | 1 | 1 | |
| 39 | Reading Clerk – House | 1 | 1 | |
| 40 | Sergeant at Arms – House | 1 | 1 | |
| 41 | Sergeant at Arms – Senate | 1 | 1 | |
| 42 | Enrolling Clerk | 1 | 0 | |
| 43 | Engrossing Clerk | 1 | 0 | |

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| 1 | Indexer of the Laws | | 1 | 0 |
| 2 | Legislative Building Library | | 35 | 15 |
| 3 | Judicial System | | | |
| 4 | Justices of the Supreme Court | | 1 ea. | 1 ea. |
| 5 | Judges of the Court of Appeals | | 1 ea. | 1 ea. |
| 6 | Judges of the Superior Court | | 1 ea. | 0 |
| 7 | Emergency and Special Judges of the | | | |
| 8 | Superior Court | 1 ea. | 0 | |
| 9 | District Court Judges | | 1 ea. | 0 |
| 10 | District Attorneys | | 1 ea. | 0 |
| 11 | Clerk of the Supreme Court | | 1 | 1 |
| 12 | Clerk of the Court of Appeals | | 1 | 1 |
| 13 | Administrative Office of the Courts | | 4 | 1 |
| 14 | Supreme Court Library | AS MANY AS REQUESTED | | |
| 15 | Colleges and Universities | | | |
| 16 | The University of North Carolina System | | | |
| 17 | Administrative Offices | 3 | 0 | |
| 18 | University of North Carolina, | | | |
| 19 | Chapel Hill | 65 | 25 | |
| 20 | University of North Carolina, | | | |
| 21 | Charlotte | 3 | 1 | |
| 22 | University of North Carolina, | | | |
| 23 | Greensboro | 3 | 1 | |
| 24 | University of North Carolina, | | | |
| 25 | Asheville | 2 | 1 | |
| 26 | University of North Carolina, | | | |
| 27 | Wilmington | 2 | 1 | |
| 28 | North Carolina State University, | | | |
| 29 | Raleigh | 5 | 3 | |
| 30 | Appalachian State University | | 2 | 1 |
| 31 | East Carolina University | | 3 | 2 |
| 32 | Elizabeth City State University | | 2 | 1 |
| 33 | Fayetteville State University | | 2 | 1 |
| 34 | North Carolina Agricultural and | | | |
| 35 | Technical University | 2 | 1 | |
| 36 | North Carolina Central University | | 5 | 5 |
| 37 | Western Carolina University | | 2 | 1 |
| 38 | University of North Carolina, | | | |
| 39 | Pembroke | 2 | 1 | |
| 40 | Winston-Salem State University | | 2 | 1 |
| 41 | North Carolina School of the Arts | | 1 | 1 |
| 42 | Private Institutions | | | |
| 43 | Duke University | 6 | 6 | |

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|----|------------------------------------|---|---|-------|-------|
| 1 | Davidson College | 3 | 2 | | |
| 2 | Wake Forest University | 5 | 5 | | |
| 3 | Lenoir Rhyne College | 1 | 1 | | |
| 4 | Elon College | 1 | 1 | | |
| 5 | Guilford College | 1 | 1 | | |
| 6 | Campbell University | 5 | 5 | | |
| 7 | Wingate College | 1 | 1 | | |
| 8 | Pfeiffer College | 1 | 1 | | |
| 9 | Barber Scotia College | 1 | 1 | | |
| 10 | Barton College | 1 | 1 | | |
| 11 | Shaw University | 1 | 1 | | |
| 12 | St. Augustine's College | 1 | 1 | | |
| 13 | Johnson C. Smith University | 1 | 1 | 1 | |
| 14 | Belmont Abbey College | 1 | 1 | 1 | |
| 15 | Bennett College | 1 | 1 | | |
| 16 | Catawba College | 1 | 1 | | |
| 17 | Gardner-Webb College | 1 | 1 | | |
| 18 | Greensboro College | 1 | 1 | | |
| 19 | High Point University | 1 | 1 | | |
| 20 | Livingstone College | 1 | 1 | | |
| 21 | Mars Hill College | 1 | 1 | | |
| 22 | Meredith College | 1 | 1 | | |
| 23 | Methodist College | 1 | 1 | | |
| 24 | North Carolina Wesleyan College | | | 1 | 1 |
| 25 | Queens College | 1 | 1 | | |
| 26 | Sacred Heart College | 1 | 1 | | |
| 27 | St. Andrews Presbyterian College | | | 1 | 1 |
| 28 | Salem College | 1 | 1 | | |
| 29 | Warren Wilson College | 1 | 1 | | |
| 30 | County and Local Officials | | | | |
| 31 | Clerks of the Superior Court | | | 1 ea. | 1 ea. |
| 32 | Register of Deeds | | | 1 ea. | 1 ea. |
| 33 | Federal, Out-of-State and Foreign | | | | |
| 34 | Secretary to the President | | | 1 | 0 |
| 35 | Secretary of State | | | 1 | 1 |
| 36 | Secretary of Defense | | | 1 | 0 |
| 37 | Secretary of Agriculture | | | 1 | 0 |
| 38 | Secretary of the Interior | | | 1 | 0 |
| 39 | Secretary of Labor | | | 1 | 1 |
| 40 | Secretary of Commerce | | | 1 | 1 |
| 41 | Secretary of the Treasury | | | 1 | 0 |
| 42 | Secretary of Health, Education and | | | | |
| 43 | Welfare | 1 | 0 | | |

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| 1 | Secretary of Housing and Urban | | |
| 2 | Development | 1 | 0 |
| 3 | Secretary of Transportation | 1 | 0 |
| 4 | Attorney General | 1 | 0 |
| 5 | Postmaster General | 1 | 0 |
| 6 | Bureau of Census | 1 | 0 |
| 7 | Bureau of Public Roads | 1 | 0 |
| 8 | Department of Justice | 1 | 0 |
| 9 | Department of Internal Revenue | 1 | 0 |
| 10 | Veterans' Administration | 1 | 0 |
| 11 | Farm Credit Administration | 1 | 0 |
| 12 | Securities and Exchange Commission | 1 | 0 |
| 13 | Social Security Board | 1 | 0 |
| 14 | Environmental Protection Agency | 1 | 0 |
| 15 | Library of Congress | 8 | 2 |
| 16 | Federal Judges resident in North | | |
| 17 | Carolina | 1 ea. | 0 |
| 18 | Federal District Attorneys resident in | | |
| 19 | North Carolina | 1 ea. | 0 |
| 20 | Marshal of the United States | | |
| 21 | Supreme Court | 1 | 0 |
| 22 | Federal Clerks of Court resident in | | |
| 23 | North Carolina | 1 ea. | 0 |
| 24 | Supreme Court Library exchange list | 1 ea. | 0 |

26 One copy of the Session Laws shall be furnished the head of any department of State
 27 government created in the future.

28 State agencies, institutions, etc., not found in or covered by this list may, upon written
 29 request from their respective department head to the Secretary of State, and upon the
 30 discretion of the Secretary of State as to need, be issued copies of the Session Laws on a
 31 permanent loan basis with the understanding that should said copies be needed they will
 32 be recalled."

33 Section 4.(hh) G.S. 131D-10.4 reads as rewritten:

34 **"§ 131D-10.4. Exemptions.**

35 This Article shall not apply to:

36 (1) Any residential child-care facility chartered by the laws of the State of
 37 North Carolina (or operating under charters of other states which have
 38 complied with the corporation laws of North Carolina) which has a plant
 39 and assets worth sixty thousand dollars (\$60,000) or more and which is
 40 owned or operated by a religious denomination or fraternal order and
 41 which was in operation before July 1, 1977;

42 (2) State institutions for emotionally disturbed or delinquent children, the
 43 mentally ill, mentally retarded, and substance abusers;

- 1 (3) Secure detention facilities as specified in ~~Article 3C of Chapter 147~~
2 Article 12 of Chapter 143B of the General Statutes;
- 3 (4) Licensable facilities subject to the rules of the Commission for Mental
4 Health, Developmental Disabilities, and Substance Abuse Services as
5 specified in Article 2 of Chapter 122C of the General Statutes;
- 6 (5) Persons authorized by statute to receive and place children for foster
7 care and adoption in accordance with G.S. 108A-14;
- 8 (6) Primarily educational institutions as defined in G.S. 131D-10.2(11); or
- 9 (7) Individuals who are related by blood, marriage, or adoption to the
10 child."

11 Section 4.(ii) G.S. 153A-221.1 reads as rewritten:

12 **"§ 153A-221.1. Standards and inspections.**

13 The legal responsibility of the Secretary of Health and Human Services and the Social
14 Services Commission for State services to county juvenile detention homes under this
15 Article is hereby confirmed and shall include the following: development of State
16 standards under the prescribed procedures; inspection; consultation; technical assistance;
17 and training.

18 ~~The Director of the Office of Juvenile Justice shall develop new standards which~~
19 ~~shall be applicable to county detention homes and regional detention homes as defined by~~
20 ~~Article 3C of Chapter 147 of the General Statutes in line with the recommendations of~~
21 ~~the report entitled Juvenile Detention in North Carolina: A Study Report (January, 1973)~~
22 ~~where practicable, and such new standards shall become effective not later than July 1,~~
23 ~~1977.~~

24 The Secretary of Health and Human Services shall also develop standards under
25 which a local jail may be approved as a holdover facility for not more than five calendar
26 days pending placement in a juvenile detention home which meets State standards,
27 providing the local jail is so arranged that any child placed in the holdover facility cannot
28 converse with, see, or be seen by the adult population of the jail while in the holdover
29 facility. The personnel responsible for the administration of a jail with an approved
30 holdover facility shall provide close supervision of any child placed in the holdover
31 facility for the protection of the child."

32 Section 4.(jj) G.S. 164-40 reads as rewritten:

33 **"§ 164-40. Correction population simulation model; ~~Office of Juvenile Justice~~**
34 **Department of Juvenile Justice and Delinquency Prevention facilities**
35 **population simulation model.**

36 (a) The Commission shall develop a correctional population simulation model, and
37 shall have first priority to apply the model to a given fact situation, or theoretical change
38 in the sentencing laws, when requested to do so by the Chairman, the Executive Director,
39 or the Commission as a whole.

40 The Executive Director or the Chairman shall make the model available to respond to
41 inquiries by any State legislator, or by the Secretary of the Department of Correction, in
42 second priority to the work of the Commission.

1 (b) The Commission shall develop ~~an Office of Juvenile Justice~~ a Department of
2 Juvenile Justice and Delinquency Prevention facilities population simulation model, and
3 shall have first priority to apply the model to a given fact situation, or theoretical change
4 in the dispositional laws set forth in Chapter 7B of the General Statutes, when requested
5 to do so by the Chairman, the Executive Director, or the Commission as a whole.

6 The Executive Director or the Chairman shall make the model available to respond to
7 inquiries by any State legislator, or by the ~~Office of Juvenile Justice,~~ Department of
8 Juvenile Justice and Delinquency Prevention, in second priority to the work of the
9 Commission."

10 Section 4.(kk) G.S. 164-43 reads as rewritten:

11 "**§ 164-43. Priority of duties; reports; continuing duties.**

12 (a) The Commission shall have two primary duties, and other secondary duties
13 essential to accomplishing the primary ones. The Commission may establish
14 subcommittees or advisory committees composed of Commission members to
15 accomplish duties imposed by this Article.

16 It is the legislative intent that the Commission attach priority to accomplish the
17 following primary duties:

18 (1) The classification of criminal offenses as described in G.S. 164-41 and
19 the formulation of sentencing structures as described in G.S. 164-42;
20 and

21 (2) The formulation of proposals and recommendations as described in G.S.
22 164-42.1 and G.S. 164-42.2.

23 (b) The Commission shall report its findings and recommendations to the 1991
24 General Assembly, 1991 Regular Session. The report shall describe the status of the
25 Commission's work, and shall include any completed policy recommendations.

26 (c) The Commission shall report on its progress in formulating recommendations
27 for the classification and ranges of punishment for felonies and misdemeanors, required
28 by G.S. 164-41, and sentencing structures, established pursuant to G.S. 164-42, to the
29 1991 General Assembly, 1992 Regular Session, and shall make a final report on these
30 recommendations no later than 30 days after the convening of the 1993 Session of the
31 General Assembly.

32 (d) Once the primary duties of the Commission have been accomplished, it shall
33 have the continuing duty to monitor and review the criminal justice and corrections
34 systems and the juvenile justice system in this State to ensure that sentences and
35 dispositions remain uniform and consistent, and that the goals and policies established by
36 the State are being implemented by sentencing and dispositional practices, and it shall
37 recommend methods by which this ongoing work may be accomplished and by which the
38 correctional population simulation model and the ~~Office of Juvenile Justice~~ Department of
39 Juvenile Justice and Delinquency Prevention facilities population simulation model
40 developed pursuant to G.S. 164-40 shall continue to be used by the State.

41 (e) Upon adoption of a system for the classification of offenses formulated
42 pursuant to G.S. 164-41, the Commission or its successor shall review all proposed
43 legislation which creates a new criminal offense, changes the classification of an offense,

1 or changes the range of punishment or dispositional level for a particular classification,
2 and shall make recommendations to the General Assembly.

3 (f) In the case of a new criminal offense, the Commission or its successor shall
4 determine whether the proposal places the offense in the correct classification, based
5 upon the considerations and principles set out in G.S. 164-41. If the proposal does not
6 assign the offense to a classification, it shall be the duty of the Commission or its
7 successor to recommend the proper classification placement.

8 (g) In the case of proposed changes in the classification of an offense or changes in
9 the range of punishment or dispositional level for a classification, the Commission or its
10 successor shall determine whether such a proposed change is consistent with the
11 considerations and principles set out in G.S. 164-41, and shall report its findings to the
12 General Assembly.

13 (h) The Commission or its successor shall meet within 10 days after the last day
14 for filing general bills in the General Assembly for the purpose of reviewing bills as
15 described in subsections (e), (f), and (g). The Commission or its successor shall include
16 in its report on a bill an analysis based on an application of the correctional population
17 simulation model or the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and
18 Delinquency Prevention facilities population simulation model to the provisions of the
19 bill."

20 Section 4.(II) G.S. 164-37(26) reads as rewritten:

21 "(26) A representative of the ~~Office of Juvenile Justice~~ Department of Juvenile
22 Justice and Delinquency Prevention."

23 **PART IV. EFFECTIVE DATE.**

24 Section 5. This act becomes effective July 1, 2000.