

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1358
Judiciary I (Civil) Committee Substitute Adopted 7/10/07
Rules and Operations of the Senate Committee Substitute Adopted 5/20/08

Short Title: Street Gang/Prevention and Intervention.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO ADOPT A STRATEGIC APPROACH TO PREVENT YOUTH
3 INVOLVEMENT IN STREET GANG ACTIVITY, AND TO BE ENTITLED THE
4 "NORTH CAROLINA STREET GANG PREVENTION AND INTERVENTION
5 ACT."

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** This act shall be known and may be cited as the "North
8 Carolina Street Gang Prevention and Intervention Act."

9 **SECTION 2.** G.S. 143B-543 reads as rewritten:

10 "**§ 143B-543. Legislative intent.**

11 It is the intent of the General Assembly to prevent juveniles who are at risk from
12 becoming delinquent. The primary intent of this Part is to develop community-based
13 alternatives to youth development centers and to provide community-based ~~delinquency~~
14 delinquency, and substance abuse-abuse, and gang prevention strategies and programs.
15 Additionally, it is the intent of the General Assembly to provide noninstitutional
16 dispositional alternatives that will protect the community and the juveniles.

17 These programs and services shall be planned and organized at the community level
18 and developed in partnership with the State. These planning efforts shall include
19 appropriate representation from local government, local public and private agencies
20 serving juveniles and their families, local business leaders, citizens with an interest in
21 youth problems, youth representatives, and others as may be appropriate in a particular
22 community. The planning bodies at the local level shall be the Juvenile Crime
23 Prevention Councils."

24 **SECTION 3.** G.S. 143B-549 reads as rewritten:

25 "**§ 143B-549. Powers and duties.**

26 (a) Each County Council shall review annually the needs of juveniles in the
27 county who are at risk of delinquency or who have been adjudicated undisciplined or
28 delinquent and the resources available to address those needs. In particular, each County

1 Council shall assess the needs of juveniles in the county who are at risk or who have
2 been associated with gangs or gang activity, and the local resources that are established
3 to address those needs. The Council shall develop and advertise a request for proposal
4 process and submit a written plan of action for the expenditure of juvenile sanction and
5 prevention funds to the board of county commissioners for its approval. Upon the
6 county's authorization, the plan shall be submitted to the Department for final approval
7 and subsequent implementation.

8 (b) Each County Council shall ensure that appropriate intermediate dispositional
9 options are available and shall prioritize funding for dispositions of intermediate and
10 community-level sanctions for court-adjudicated juveniles under minimum standards
11 adopted by the Department.

12 (c) On an ongoing basis, each County Council shall:

- 13 (1) Assess the needs of juveniles in the community, evaluate the adequacy
14 of resources available to meet those needs, and develop or propose
15 ways to address unmet needs.
- 16 (2) Evaluate the performance of juvenile services and programs in the
17 community. The Council shall evaluate each funded program as a
18 condition of continued funding.
- 19 (3) Increase public awareness of the causes of delinquency and of
20 strategies to reduce the problem.
- 21 (4) Develop strategies to intervene and appropriately respond to and treat
22 the needs of juveniles at risk of delinquency through appropriate risk
23 assessment instruments.
- 24 (5) Provide funds for services for treatment, counseling, or rehabilitation
25 for juveniles and their families. These services may include
26 court-ordered parenting responsibility classes.
- 27 (6) Plan for the establishment of a permanent funding stream for
28 delinquency prevention services.
- 29 (7) Develop strategies to intervene and appropriately respond to the needs
30 of juveniles who have been associated with gang activity or who are at
31 risk of becoming associated with gang activity.

32 (d) The Councils may examine the benefits of joint program development
33 between counties within the same judicial district."

34 **SECTION 4.** G.S. 143B-557 reads as rewritten:

35 **"§ 143B-557. Powers and duties of the Council.**

36 The State Council shall have the following powers and duties:

- 37 (1) Advise the Department in the review of the State's juvenile justice
38 planning, the development of the community juvenile justice councils,
39 and the development of a formula for the distribution of funds to
40 Juvenile Crime Prevention Councils.
- 41 (2) Advise all State agencies serving juveniles for the purpose of
42 developing a consistent philosophy with regard to providing services
43 to juveniles and promoting collaboration and the efficient and effective
44 delivery of services to juveniles and families through State, local, and

1 district programs and fully address problems of collaboration across
2 State agencies with the goal of serving juveniles.

3 (3) Review and comment on juvenile justice, delinquency prevention,
4 gang prevention, and juvenile services grant applications prepared for
5 submission under any federal grant program by any governmental
6 entity of the State.

7 (4) Review the juvenile justice system's operation and prioritization of
8 funding needs.

9 (5) Review the progress and accomplishment of State and local juvenile
10 justice, delinquency prevention, and juvenile services projects.

11 (5a) Review the level of gang activity throughout the State and assess the
12 progress and accomplishments of the State, and of local governments,
13 in preventing gangs and addressing the needs of juveniles who have
14 been identified as being associated with gang activity.

15 (6) Develop recommendations concerning the establishment of priorities
16 and needed improvements with respect to juvenile justice, delinquency
17 prevention, gang prevention, and juvenile services and report its
18 recommendations to the General Assembly on or before March 1 each
19 year.

20 (7) Review and comment on the proposed budget for the Department."

21 **SECTION 5.** The Department of Public Instruction and the Department of
22 Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative
23 Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Joint
24 Legislative Education Oversight Committee by December 1, 2008, on:

25 (1) The prevalence of school violence and gang activity;

26 (2) The use of Department Juvenile Crime Prevention Council programs
27 for out-of-school suspension alternative learning programs for students
28 who are identified as being associated with gangs;

29 (3) Current programs that are designed to educate school personnel and
30 parents on signs that a student may be involved or associated with a
31 gang;

32 (4) Effective practices for reducing school violence and gang activity that
33 have been successfully implemented in other states; and

34 (5) Any findings and recommendations, including any proposed
35 legislation, for further implementation and coordination between the
36 Department of Juvenile Justice and Delinquency Prevention and the
37 Department of Public Instruction to address issues related to
38 prevention and intervention of youth gang activity.

39 **SECTION 6.** The Department of Crime Control and Public Safety shall
40 report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice
41 Oversight Committee by December 1, 2008, on the protocols and procedures used to
42 enter identifying information of juveniles in the GangNet database system. The report
43 shall include any recognized standards for continuing the listing of juveniles in the

1 database, the benefits, if any, of maintaining juvenile listings for extended periods, and
2 any recommendations concerning the listing of juveniles in GangNet.

3 **SECTION 7.** The Governor's Crime Commission shall develop the criteria
4 for eligibility for funds appropriated for gang prevention and intervention. The criteria
5 shall include a matching requirement of twenty-five percent (25%), one-half of which
6 may be in in-kind contributions, and presentation of a written plan for the services to be
7 provided by the funds. Funds shall be available to public and private entities or agencies
8 for juvenile and adult programs that meet the criteria established by the Governor's
9 Crime Commission.

10 The Governor's Crime Commission shall report to the Chairs of the House of
11 Representatives and Senate Appropriations Committees and the Chairs of the House of
12 Representatives and Senate Appropriations Subcommittees on Justice and Public Safety
13 by April 15, 2009, on this program. The report shall include all of the following:

- 14 (1) The grant award process.
- 15 (2) A description of each grant awarded.
- 16 (3) The performance criteria for evaluating grant programs.
- 17 (4) A list of State grants awarded in the 2008 grant cycle.

18 **SECTION 8.** Section 7 of this act becomes effective July 1, 2008. The
19 remainder of this act is effective when it becomes law.