

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 347

Short Title: No Delinquent/Undisciplined Under 10 Yrs Old. (Public)

Sponsors: Representatives Morey, Horn, McGrady, and Harrison (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

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

March 14, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE DEFINITIONS OF DELINQUENT JUVENILE AND
3 UNDISCIPLINED JUVENILE TO INCLUDE ONLY JUVENILES AT LEAST TEN
4 YEARS OF AGE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 7B-1501 reads as rewritten:
7 "**§ 7B-1501. Definitions.**

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

10 ...

11 (7) Delinquent juvenile. – Any juvenile who, while less than 16 years of age but
12 at least ~~6~~10 years of age, commits a crime or infraction under State law or
13 under an ordinance of local government, including violation of the motor
14 vehicle laws, or who commits indirect contempt by a juvenile as defined in
15 G.S. 5A-31.

16 ...

17 (27) Undisciplined juvenile. –
18 a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years
19 of age, is unlawfully absent from school; or is regularly disobedient to
20 and beyond the disciplinary control of the juvenile's parent, guardian,
21 or custodian; or is regularly found in places where it is unlawful for a
22 juvenile to be; or has run away from home for a period of more than
23 24 hours; or
24 b. A juvenile who is 16 or 17 years of age and who is regularly
25 disobedient to and beyond the disciplinary control of the juvenile's
26 parent, guardian, or custodian; or is regularly found in places where it
27 is unlawful for a juvenile to be; or has run away from home for a period
28 of more than 24 hours.

29"

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

31 "(7) Delinquent juvenile. –
32 a. Any juvenile who, while less than 16 years of age but at least ~~6~~10
33 years of age, commits a crime or infraction under State law or under
34 an ordinance of local government, including violation of the motor



1 vehicle laws, or who commits indirect contempt by a juvenile as
2 defined in G.S. 5A-31.

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

8 **SECTION 1.(c)** Subsection (a) of this section is effective when it becomes law and
9 applies to delinquent or undisciplined acts committed on or after that date. Subsection (b) of this
10 section becomes effective December 1, 2019, and applies to delinquent acts committed on or
11 after that date.

12 **SECTION 2.** G.S. 7B-1903(f) is repealed effective four years from the date this act
13 becomes law.

14 **SECTION 3.** G.S. 7B-2102 reads as rewritten:

15 "**§ 7B-2102. Fingerprinting and photographing juveniles.**

16 (a) A law enforcement officer or agency shall fingerprint and photograph a juvenile ~~who~~
17 ~~was 10 years of age or older~~ at the time the juvenile allegedly committed a nondivertible offense
18 as set forth in G.S. 7B-1701, when a complaint has been prepared for filing as a petition and the
19 juvenile is in physical custody of law enforcement or the Division.

20 ...

21 (b) If a law enforcement officer or agency does not take the fingerprints or a photograph
22 of the juvenile pursuant to subsection (a) of this section or the fingerprints or photograph have
23 been destroyed pursuant to subsection (e) of this section, a law enforcement officer or agency
24 shall fingerprint and photograph a juvenile who has been adjudicated delinquent if the juvenile
25 ~~was 10 years of age or older at the time the juvenile~~ committed an offense that would be a felony
26 if committed by an adult.

27 (c) A law enforcement officer, facility, or agency who fingerprints or photographs a
28 juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of
29 Investigation and the Federal Bureau of Investigation. After the ~~juvenile, who was 10 years of~~
30 ~~age or older at the time of the offense,~~ juvenile is adjudicated delinquent of an offense that would
31 be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be
32 transferred to the State Bureau of Investigation and placed in the Automated Fingerprint
33 Identification System (AFIS) to be used for all investigative and comparison purposes.
34 Photographs obtained pursuant to this section shall be placed in a format approved by the State
35 Bureau of Investigation and may be used for all investigative or comparison purposes. The State
36 Bureau of Investigation shall release any photograph it receives pursuant to this section to the
37 Division, upon the Division's request. The duty of confidentiality in subsection (d) of this section
38 applies to the Division, except as provided in G.S. 7B-3102.

39"

40 **SECTION 4.(a)** G.S. 7B-2513(a) reads as rewritten:

41 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
42 juvenile ~~who is at least 10 years of age~~ to the Division for placement in a youth development
43 center. Commitment shall be for an indefinite term of at least six months. In no event shall the
44 term exceed:

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

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

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

18 **SECTION 4.(b)** G.S. 7B-2513(a) reads as rewritten:

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

22 **SECTION 4.(c)** Subsection (a) of this section becomes effective when it becomes
23 law. Subsection (b) of this section becomes effective December 1, 2019.

24 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
25 law.