

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 7
Judiciary II Committee Substitute Adopted 2/21/01
House Committee Substitute Favorable 5/23/01**

Short Title: Add Juvenile Members.

(Public)

Sponsors:

Referred to:

January 25, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE
2 LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY
3 COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION,
4 AND BY ADDING THE ATTORNEY GENERAL TO THE STATE ADVISORY
5 COUNCIL.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 143B-544 reads as rewritten:

9 "**§ 143B-544. Creation; method of appointment; membership; chair and**
10 **vice-chair.**

11 (a) As a prerequisite for a county receiving funding for juvenile court services
12 and delinquency prevention programs, the board of commissioners of a county shall
13 appoint a Juvenile Crime Prevention Council. Each County Council is a continuation of
14 the corresponding Council created under G.S. 147-33.61. The County Council shall
15 consist of not more than ~~25~~ 26 members and should include, if possible, the following:

- 16 (1) The local school superintendent, or that person's designee;
- 17 (2) A chief of police in the county;
- 18 (3) The local sheriff, or that person's designee;
- 19 (4) The district attorney, or that person's designee;
- 20 (5) The chief court counselor, or that person's designee;
- 21 (6) The director of the area mental health, developmental disabilities, and
22 substance abuse authority, or that person's designee;
- 23 (7) The director of the county department of social services, or
24 consolidated human services agency, or that person's designee;
- 25 (8) The county manager, or that person's designee;
- 26 (9) A substance abuse professional;
- 27 (10) A member of the faith community;
- 28 (11) A county commissioner;

- 1 (12) ~~A person under the age of 21;~~ Two persons under the age of 18 years,
2 one of whom is a member of the State Youth Council;
3 (13) A juvenile defense attorney;
4 (14) The chief district court judge, or a judge designated by the chief
5 district court judge;
6 (15) A member of the business community;
7 (16) The local health director, or that person's designee;
8 (17) A representative from the United Way or other nonprofit agency;
9 (18) A representative of a local parks and recreation program; and
10 (19) Up to seven members of the public to be appointed by the board of
11 commissioners of a county.

12 The board of commissioners of a county shall modify the County Council's
13 membership as necessary to ensure that the members reflect the racial and
14 socioeconomic diversity of the community and to minimize potential conflicts of
15 interest by members.

16 (b) Two or more counties may establish a multicounty Juvenile Crime Prevention
17 Council under subsection (a) of this section. The membership shall be representative of
18 each participating county.

19 (c) The members of the County Council shall elect annually the chair and
20 vice-chair."

21 **SECTION 2.** G.S. 143B-545 reads as rewritten:

22 "**§ 143B-545. Terms of appointment.**

23 Each member of a County Council shall serve for a term of two years, except for
24 initial terms as provided in this section. Each member's term is a continuation of that
25 member's term under G.S. 147-33.62. Members may be reappointed. The initial terms of
26 appointment began January 1, 1999. In order to provide for staggered terms, persons
27 appointed for the positions designated in subdivisions (9), (10), (12), (15), (17), and (18)
28 of G.S. 143B-544(a) were appointed for an initial term ending on June 30, 2000. The
29 initial term of the second member added to each County Council pursuant to G.S. 143B-
30 544(a)(12) shall begin on July 1, 2001, and end on June 30, 2002. After the initial terms,
31 persons appointed for the positions designated in subdivisions (9), (10), (12), (15), (17),
32 and (18) of G.S. 143B-544(a) shall be appointed for two-year terms, beginning on July
33 1. All other persons appointed to the Council were appointed for an initial term ending
34 on June 30, 2001, and, after those initial terms, persons shall be appointed for two-year
35 terms beginning on July 1."

36 **SECTION 3.** G.S. 143B-556 reads as rewritten:

37 "**§ 143B-556. Creation of Council; purpose; members; duties.**

38 (a) There is created the State Advisory Council on Juvenile Justice and
39 Delinquency Prevention. The State Council shall be located within the Department for
40 organizational, budgetary, and administrative purposes.

41 (b) The purpose of the State Council is to review and advise the Department in
42 the development of a comprehensive interagency plan to reduce juvenile delinquency
43 and substance abuse and to coordinate efforts among State agencies providing services

1 and supervision to juveniles who are at risk of delinquency and for juveniles who have
2 been adjudicated of delinquent and undisciplined behavior.

3 (c) The State Council shall consist of ~~20~~ 23 members as follows:

4 (1) The Governor shall appoint ~~five~~ six persons, one of whom is a private
5 citizen who has demonstrated an interest in and commitment to
6 juvenile justice ~~issues~~ issues; and one of whom is a person under the
7 age of 18 years that is a member of the State Youth Council.

8 (2) The Chief Justice of the Supreme Court shall appoint ~~four persons~~ five persons,
9 one of whom is a person under the age of 18 years.

10 (3) The following persons, or their designees, shall serve ex officio:

11 a. The Governor.

12 b. The Chief Justice of the Supreme Court.

13 c. The President Pro Tempore of the Senate.

14 d. The Speaker of the House of Representatives.

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

16 f. The Superintendent of Public Instruction.

17 g. The Secretary of Administration.

18 h. The Secretary of Health and Human Services.

19 i. The Secretary of Correction.

20 j. The Secretary of Crime Control and Public Safety.

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

22 l. The Attorney General.

23 (d) Initial members, other than ex officio members, who were appointed under
24 former G.S. 147-33.70 and whose terms began January 1, 1999, shall serve for terms as
25 follows:

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

28 (2) Two members appointed by the Chief Justice of the Supreme Court
29 shall serve for terms of two years and two members for terms of three
30 years.

31 The initial members who are under the age of 18 years shall serve for terms of one
32 year, beginning on January 1, 2002. Thereafter, members, other than ex officio
33 members, shall serve for two-year terms. There is no prohibition against initial members
34 being reappointed.

35 (e) The Governor and Chief Justice of the Supreme Court shall serve as cochairs
36 of the State Council.

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

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

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

3 (i) The chairs shall convene the Council. Meetings shall be held as often as
4 necessary but not less than four times a year.

5 (j) A majority of the members of the Council shall constitute a quorum for the
6 transaction of business. The affirmative vote of a majority of the members present at
7 meetings of the Council is necessary for action to be taken by the Council."

8 **SECTION 4.** This act is effective when it becomes law.