A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE JUVENILE JURISDICTION ADVISORY COMMITTEE, TO CREATE A PILOT CIVIL CITATION PROCESS FOR JUVENILES, AND TO RAISE THE AGE OF JUVENILE JURISDICTION TO INCLUDE SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE COMMITTED MISDEMEANOR OFFENSES.

The General Assembly of North Carolina enacts:

ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE

SECTION 1.(a) Advisory Committee Established. – There is established within the Division of Juvenile Justice of the Department of Public Safety the Juvenile Jurisdiction Advisory Committee. The Division of Juvenile Justice shall provide professional and clerical staff and other services and supplies, including meeting space, as needed for the Advisory Committee to carry out its duties in an effective manner.

SECTION 1.(b) Membership. – The Advisory Committee shall consist of 24 members. The following members or their designees shall serve as ex officio members:

1. The Chief Deputy Secretary of the Division of Juvenile Justice of the Department of Public Safety.
2. The Director of the Administrative Office of the Courts.
3. The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services.
4. The Chief Deputy Secretary of the Division of Adult Correction of the Department of Public Safety.
5. The Secretary of the Department of Public Safety.
6. The Superintendent of Public Instruction.
7. The Secretary of the Department of Administration or a designee having knowledge of programs and services for youth and young adults.
8. The Juvenile Defender in the Office of Indigent Defense.
9. One representative from the Governor’s Crime Commission appointed by the Governor.

The remaining members shall be appointed as follows:
(11) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(12) Three members of the Senate appointed by the President Pro Tempore of the Senate.

(13) Two chief court counselors appointed by the Governor, one to be from a rural county and one from an urban county.

(14) One present or former chief district court judge or superior court judge appointed by the Chief Justice of the North Carolina Supreme Court.

(15) One police chief and one sheriff appointed by the President Pro Tempore of the Senate.

(16) One district attorney appointed by the Speaker of the House of Representatives.

(17) Two representatives from the juvenile advocacy community, one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives.

Appointments to the Advisory Committee shall be made no later than October 1, 2015. A vacancy in the Advisory Committee or a vacancy as chair of the Advisory Committee resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made.

**SECTION 1.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate one member to serve as cochair of the Advisory Committee.

The cochairs shall call the initial meeting of the Advisory Committee on or before November 1, 2015. The Advisory Committee shall subsequently meet upon such notice and in such manner as its members determine. A majority of the members of the Advisory Committee shall constitute a quorum.

**SECTION 1.(d)** The Office of the Governor shall provide staff to the Advisory Committee at the request of the Advisory Committee.

**SECTION 1.(e)** Cooperation by Government Agencies. – The Advisory Committee may call upon any department, agency, institution, or officer of the State or any political subdivision thereof for facilities, data, or other assistance.

**SECTION 1.(f)** Duties of Advisory Committee. – The Advisory Committee shall develop a specific plan for the implementation of any changes in the juvenile justice system that would be required in order to extend jurisdiction in delinquency matters and proceedings to include 16- and 17-year-old persons charged with misdemeanor offenses within the juvenile justice system. The plan shall include cost estimates for each portion of the plan, including capital costs, operating costs, and staffing costs. As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons 16 and 17 years of age who commit crimes or infractions becomes effective pursuant to this act, the Advisory Committee shall monitor and review the implementation of the expansion and shall make additional recommendations to the General Assembly as necessary.

**SECTION 1.(g)** Establishment of Subcommittee. – The cochairs of the Advisory Committee shall establish a Juvenile Civil Citation Subcommittee to develop and implement a juvenile civil citation process for purposes of providing an efficient and innovative alternative to custody for juveniles who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The Subcommittee shall be created no later than January 1, 2016, and shall consist of seven members as follows:

1. The Chief Deputy Secretary of the Division of Juvenile Justice of the Department of Public Safety or the Chief Deputy Secretary's designee.
2. A chief district court judge.
3. A district attorney.
(4) A head of a county or municipal law enforcement agency.
(5) The Juvenile Defender in the Office of Indigent Services or the Juvenile Defender's designee.
(6) A chief court counselor.
(7) A representative of a juvenile services program provider.

The Subcommittee shall review civil citation programs in other states and shall develop and submit a proposed process and implementation plan for a juvenile civil citation program in this State to the Advisory Committee no later than July 1, 2016. Upon approval of the plan by the Advisory Committee, the Subcommittee shall oversee a two-year pilot program of the juvenile civil citation program in at least three, but no more than six, counties chosen by the Subcommittee.

Upon completion of the two-year pilot program, but no later than January 15, 2019, the Subcommittee shall submit a report of the status of the program, a plan for implementing the program statewide, and its findings and recommendations, including legislative, administrative, and funding recommendations for implementation of the program statewide, to the Advisory Committee.

Upon approval of the statewide implementation plan, the Subcommittee shall establish a juvenile civil citation program within every county in the State by July 1, 2020. The Advisory Committee shall recommend to the General Assembly any legislation needed to facilitate the establishment of a juvenile civil citation program as a statewide program.

SECTION 1.(h) Consultation. – The Advisory Committee shall consult with appropriate State departments, agencies, and board representatives on issues related to juvenile justice administration.

SECTION 1.(i) Report. – The Advisory Committee shall submit an interim report containing the specific plan and the cost estimates for capital, operating, and staffing costs for implementation of this act, and including legislative, administrative, and funding recommendations necessary to implement the increase in juvenile jurisdiction to include 16- and 17-year-old persons charged with misdemeanor offenses by January 15, 2018, to the General Assembly with copies to the Joint Legislative Oversight Committee on Justice and Public Safety and to the Appropriations Subcommittees on Justice and Public Safety of both houses. The Advisory Committee shall submit additional interim reports with updates on the planning steps completed towards implementation, and including any legislative, administrative, and funding recommendations, annually by January 15 of each year. The Advisory Committee shall submit a final report on the implementation of this act, and of its findings and recommendations, including legislative, administrative, and funding recommendations, by January 15, 2023, to the General Assembly and the Governor. The Advisory Committee shall terminate upon filing its final report.

SECTION 1.(j) Funding. – The Advisory Committee may apply for, receive, and accept grants of non-State funds or other contributions as appropriate to assist in the performance of its duties. The Division of Juvenile Justice of the Department of Public Safety shall use up to twenty-five thousand dollars ($25,000) of funds appropriated to it to develop and implement the plan required by this section.

INCREASE JUVENILE JURISDICTION

SECTION 2.(a) Effective July 1, 2020, G.S. 7B-1501(7) reads as rewritten:

"(7) Delinquent juvenile. –
   a. Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31-G.S. 5A-31; or
b. Any juvenile who, while less than 17 years of age but at least 16 years of age, commits a misdemeanor or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws or any offense under Article 13A of Chapter 14 of the General Statutes, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31."

SECTION 2. (b) Effective July 1, 2021, G.S. 7B-1501(7) reads as rewritten:
"(7) Delinquent juvenile. –

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

b. Any juvenile who, while less than 17-18 years of age but at least 16 years of age, commits a misdemeanor or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31."

SECTION 3. Effective July 1, 2020, G.S. 7B-1501(11) reads as rewritten:
"(11) Holdover facility. – A place located in a jail which has been approved by the Department of Health and Human Services as meeting the State standards for detention, the operation of local confinement facilities, as required in G.S. 153A-221, providing close supervision where the a juvenile cannot converse with, see, or be seen by the adult population."

SECTION 4. (a) Effective July 1, 2020, G.S. 7B-1601 reads as rewritten:
"§ 7B-1601. Jurisdiction over delinquent juveniles.

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at the time of the alleged offense governs.

(b) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense committed prior to the juvenile reaching the age of 16 years, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years, except as provided otherwise in this Article.

(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense that would be a misdemeanor offense if committed by an adult and the offense was committed while the juvenile was at least 16 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years.

(c) When delinquency proceedings for a juvenile alleged to be delinquent for an offense committed prior to the juvenile reaching the age of 16 years cannot be concluded before the juvenile reaches the age of 18 years, the court retains jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing the petition.

(c1) When delinquency proceedings for a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 16 years of age cannot be concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for the sole purpose of dismissing the petition.

(d) When the court has not obtained jurisdiction over a juvenile before the juvenile reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly committed on or after the juvenile's thirteenth birthday and prior to the juvenile's sixteenth birthday, the court has jurisdiction for the sole purpose of conducting proceedings pursuant to
Article 22 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing the petition.

(e) The court has jurisdiction over delinquent juveniles in the custody of the Division and over proceedings to determine whether a juvenile who is under the post-release supervision of the juvenile court counselor has violated the terms of the juvenile's post-release supervision.

(f) The court has jurisdiction over persons 18 years of age or older who are under the extended jurisdiction of the juvenile court.

(g) The court has jurisdiction over the parent, guardian, or custodian of a juvenile who is under the jurisdiction of the court pursuant to this section if the parent, guardian, or custodian has been served with a summons pursuant to G.S. 7B-1805."

SECTION 4.(b) Effective July 1, 2021, G.S. 7B-1601(b1) reads as rewritten:

"(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense that would be a misdemeanor offense if committed by an adult and the offense was committed while the juvenile was at least 16 years of age but less than 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years. If the offense was committed while the juvenile was at least 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 20 years."

SECTION 4.(c) Effective July 1, 2021, G.S. 7B-1601(c1) reads as rewritten:

"(c1) When delinquency proceedings, for a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age cannot be concluded before the juvenile reaches the age of 19 years, the court retains jurisdiction for the sole purpose of dismissing the petition. When delinquency proceedings for a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 17 years of age cannot be concluded before the juvenile reaches the age of 20 years, the court retains jurisdiction for the sole purpose of dismissing the petition."

SECTION 5.(a) Effective July 1, 2020, G.S. 7B-1604 reads as rewritten:

"§ 7B-1604. Limitations on juvenile court jurisdiction.

(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who commits a criminal offense on or after the juvenile's sixteenth birthday, juvenile has reached the age of 17 years is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted as an adult for the commission of a criminal offense.

(b) A juvenile (i) who is transferred to and convicted in superior court or (ii) who has previously been convicted in either district or superior court for a felony, including a violation of the motor vehicle laws under State law, shall be prosecuted as an adult for any criminal offense the juvenile commits after the district or superior court conviction."

SECTION 5.(b) Effective July 1, 2021, G.S. 7B-1604(a) reads as rewritten:

"(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who commits a criminal offense on or after the juvenile has reached the age of 17-18 years is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted as an adult for the commission of a criminal offense."

SECTION 6. Effective July 1, 2020, G.S. 7B-1901(a) reads as rewritten:

"(a) A person who takes a juvenile into custody without a court order under G.S. 7B-1900(1) or (2) shall proceed as follows:

(1) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into temporary custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or nonsecure custody. Failure to notify the parent, guardian, or custodian that the juvenile is in custody shall not be grounds for release of the juvenile.
(2) Unless otherwise authorized in subdivision (2a) of this subsection, release the juvenile to the juvenile's parent, guardian, or custodian if the person having the juvenile in temporary custody decides that continued custody is unnecessary. In the case of a juvenile unlawfully absent from school, if continued custody is unnecessary, the person having temporary custody may deliver the juvenile to the juvenile's school or, if the local city or county government and the local school board adopt a policy, to a place in the local school administrative unit.

(2a) If the juvenile is at least 16 years old and is taken into custody without a court order pursuant to G.S. 7B-1900(1), if the person having the juvenile in temporary custody, while exercising reasonable discretion, decides that continued custody is unnecessary, the juvenile may be released without the presence of the juvenile's parent, guardian, or custodian.

(3) If the juvenile is not released, request that a petition be drawn pursuant to G.S. 7B-1803 or G.S. 7B-1804. Once the petition has been drawn and verified, the person shall communicate with the juvenile court counselor. If the juvenile court counselor approves the filing of the petition, the juvenile court counselor shall contact the judge or the person delegated authority pursuant to G.S. 7B-1902 if other than the juvenile court counselor, for a determination of the need for continued custody."

SECTION 7. Effective July 1, 2020, G.S. 7B-2506 reads as rewritten:

§ 7B-2506. Dispositional alternatives for delinquent juveniles.
The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may use the following alternatives in accordance with the dispositional structure set forth in G.S. 7B-2508:

(1) In the case of any juvenile under the age of 18 years who needs more adequate care or supervision or who needs placement, the judge may:

(2) Excuse the juvenile under the age of 16 years from compliance with the compulsory school attendance law when the court finds that suitable alternative plans can be arranged by the family through other community resources for one of the following:

a. An education related to the needs or abilities of the juvenile including vocational education or special education;

b. A suitable plan of supervision or placement;

c. Some other plan that the court finds to be in the best interests of the juvenile.

(3) Order the juvenile to cooperate with a community-based program, an intensive substance abuse treatment program, or a residential or nonresidential treatment program. Participation in the programs shall not exceed 12 months.

"...

SECTION 8. Effective July 1, 2020, G.S. 7B-2507 reads as rewritten:

§ 7B-2507. Delinquency history levels.
(a) Generally. – The delinquency history level for a delinquent juvenile is determined by calculating the sum of the points assigned to each of the juvenile's prior adjudications or convictions and to the juvenile's probation status, if any, that the court finds to have been proved in accordance with this section.

(b) Points. – Points are assigned as follows:

(1) For each prior adjudication of a Class A through E felony offense, 4 points.
For each prior adjudication of a Class F through I felony offense or Class A1 misdemeanor offense, 2 points.

(2a) For each prior conviction of a Class A1 misdemeanor, excluding conviction for violation of the motor vehicle laws, 2 points.

(2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1), impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor death by vehicle (G.S. 20-141.4(a2)), 2 points.

(3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, 1 point.

(3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense, excluding conviction for violation of the motor vehicle laws, 1 point.

(4) If the juvenile was on probation at the time of offense, 2 points.

No points shall be assigned for a prior adjudication that a juvenile is in direct contempt of court or indirect contempt of court.

(c) Delinquency History Levels. – The delinquency history levels are:

(1) Low – No more than 1 point.

(2) Medium – At least 2, but not more than 3 points.

(3) High – At least 4 points.

In determining the delinquency history level, the classification of a prior offense is the classification assigned to that offense at the time the juvenile committed the offense for which disposition is being ordered.

(d) Multiple Prior Adjudications or Convictions Obtained in One Court Session. – For purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent or convicted for more than one offense in a single session of district court, only the adjudication or conviction for the offense with the highest point total is used.

(e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. – Except as otherwise provided in this subsection, an adjudication or conviction occurring in a jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in which the offense occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense classified as a felony in the other jurisdiction is substantially similar to an offense that is a misdemeanor in North Carolina, the adjudication or conviction is treated as that class of misdemeanor for assigning delinquency history level points. If the State proves by the preponderance of the evidence that an offense classified as either a misdemeanor or a felony in the other jurisdiction is substantially similar to an offense in North Carolina that is classified as a Class I felony or higher, the adjudication or conviction is treated as that class of felony for assigning delinquency history level points. If the State proves by the preponderance of the evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level points.

(f) Proof of Prior Adjudications, Adjudications or Convictions. – A prior adjudication or conviction shall be proved by any of the following methods:

(1) Stipulation of the parties.

(2) An original or copy of the court record of the prior adjudication, adjudication or conviction.

(3) A copy of records maintained by the Department of Public Safety or by the Division.

(4) Any other method found by the court to be reliable.
The State bears the burden of proving, by a preponderance of the evidence, that a prior adjudication or conviction exists and that the juvenile before the court is the same person as the juvenile named in the prior adjudication or conviction. The original or a copy of the court records or a copy of the records maintained by the Department of Public Safety or of the Division, bearing the same name as that by which the juvenile is charged, is prima facie evidence that the juvenile named is the same person as the juvenile before the court, and that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a paper writing containing a reproduction of a record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. The prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full record. Evidence presented by either party at trial may be utilized to prove prior adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish the juvenile's prior adjudications or convictions to the juvenile within a reasonable time sufficient to allow the juvenile to determine if the record available to the prosecutor is accurate."

SECTION 9.(a) Effective July 1, 2020, G.S. 7B-2513(a) reads as rewritten:

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

(a1) In no event shall the term exceed: For an offense the juvenile committed prior to reaching the age of 16 years, the term shall not exceed:

(1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual offense pursuant to G.S. 14-27.4 if committed by an adult;

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

(3) The eighteenth birthday of the juvenile if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age, the term shall not exceed the juvenile's 19th birthday.

(a3) Reserved.

(a4) No juvenile shall be committed to a youth development center beyond the minimum six-month commitment for a period of time in excess of the maximum term of imprisonment for which an adult in prior record level VI for felonies or in prior conviction level III for misdemeanors could be sentenced for the same offense, except when the Division pursuant to G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an additional period of time to continue care or treatment under the plan of care or treatment developed under subsection (f) of this section. At the time of commitment to a youth development center, the court shall determine the maximum period of time the juvenile may remain committed before a determination must be made by the Division pursuant to G.S. 7B-2515 and shall notify the juvenile of that determination."

SECTION 9.(b) Effective July 1, 2021, G.S. 7B-2513(a2) reads as rewritten:

"(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age but less than 17 years of age, the term shall not exceed the juvenile's 19th birthday."

SECTION 9.(c) Effective July 1, 2021, G.S. 7B-2513(a3) reads as rewritten:

"(a3) For an offense the juvenile committed while the juvenile was at least 17 years of age, the term shall not exceed the juvenile's 20th birthday."
SECTION 10. Effective July 1, 2020, G.S. 7B-2515(a) reads as rewritten:

"(a) In determining whether a juvenile who was committed to the Division for an offense that was committed prior to the juvenile reaching the age of 16 years should be released before the juvenile's 18th birthday, the Division shall consider the protection of the public and the likelihood that continued placement will lead to further rehabilitation. If the Division does not intend to release the juvenile who was committed for an offense that was committed prior to the juvenile reaching the age of 16 years prior to the juvenile's eighteenth birthday, or if the Division determines that the juvenile's commitment should be continued beyond the maximum commitment period as set forth in G.S. 7B-2513(a), G.S. 7B-2513(a1), the Division shall notify the juvenile and the juvenile's parent, guardian, or custodian in writing at least 30 days in advance of the juvenile's eighteenth birthday or the end of the maximum commitment period, of the additional specific commitment period proposed by the Division, the basis for extending the commitment period, and the plan for future care or treatment."

SECTION 11. Effective July 1, 2020, G.S. 7B-2603(b) reads as rewritten:

"(b) Once an order of transfer has been entered by the district court, the juvenile has the right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. The release order shall specify the person or persons to whom the juvenile may be released. Pending release, the court shall order that the juvenile be detained in a detention facility while awaiting trial. The court may order the juvenile to be held in a holdover facility as defined by G.S. 7B-1501 at any time the presence of the juvenile is required in court for pretrial hearings or trial, if the court finds that it would be inconvenient to return the juvenile to the detention facility. Pending release, the juvenile shall be detained pursuant to G.S. 7B-2204."

SECTION 12.(a) Effective July 1, 2020, the introductory language of G.S. 5A-31(a) reads as rewritten:

"(a) Each of the following, when done by an unemancipated minor who (i) is at least six years of age, (ii) is not yet 16-17 years of age, and (iii) has not been convicted of any crime in superior court, is contempt by a juvenile:"

SECTION 12.(b) Effective July 1, 2021, the introductory language of G.S. 5A-31(a) reads as rewritten:

"(a) Each of the following, when done by an unemancipated minor who (i) is at least six years of age, (ii) is not yet 17-18 years of age, and (iii) has not been convicted of any crime in superior court, is contempt by a juvenile:"

SECTION 13.(a) Effective July 1, 2020, G.S. 5A-34(b) reads as rewritten:

"(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions by a minor who:

1. Is 16-17 years of age or older;
2. Is married or otherwise emancipated; or
3. Before the act or omission, was convicted in superior court of any criminal offense."

SECTION 13.(b) Effective July 1, 2021, G.S. 5A-34(b) reads as rewritten:

"(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions by a minor who:

1. Is 17 years of age or older;
2. Is married or otherwise emancipated; or
3. Before the act or omission, was convicted in superior court of any criminal offense."

SECTION 14.(a) Effective July 1, 2020, G.S. 143B-805(6) reads as rewritten:

"(6) Delinquent juvenile. –

a. Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an
ordinance of local government, including violation of the motor vehicle laws; or

b. Any juvenile who, while less than 17 years of age but at least 16 years of age, commits a misdemeanor or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws or any offense under Article 13A of Chapter 14 of the General Statutes.

SECTION 14. Effective July 1, 2021, G.S. 143B-805(6) reads as rewritten:

"(6) Delinquent juvenile. –

a. Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws; or

b. Any juvenile who, while less than 17-18 years of age but at least 16 years of age, commits a misdemeanor or infraction under State law or under an ordinance of local government, excluding violation of the motor vehicle laws."

SECTION 15. Effective July 1, 2020, G.S. 143B-806(b) reads as rewritten:

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

... (20) Provide for the transportation to and from any State or local juvenile facility of any person under the jurisdiction of the juvenile court for any purpose required by Chapter 7B of the General Statutes or upon order of the court."

SECTION 16. Effective July 1, 2020, G.S. 14-316.1 reads as rewritten:

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

Any person who is at least 16-17 years old who knowingly or willfully causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1 misdemeanor.

It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent or any person, including an employee of the Division of Juvenile Justice of the Department of Public Safety under this section. An adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person including an employee of the Division of Juvenile Justice of the Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile."

SECTION 16. Effective July 1, 2021 G.S. 14-316.1 reads as rewritten:

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

Any person who is at least 17-18 years old who knowingly or willfully causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1 misdemeanor.

It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent or any person, including an employee of the Division of Juvenile Justice of the Department of Public Safety under this section. An adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person including an employee of the Division of Juvenile Justice of the
Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile."

SECTION 17.(a) Effective July 1, 2020, G.S. 7B-2200 reads as rewritten:

"§ 7B-2200. Transfer of jurisdiction of juvenile to superior court; transfer of jurisdiction to district criminal court.

(a) After notice, hearing, and a finding of probable cause the court may, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was 13 years of age or older at the time the juvenile allegedly committed an offense that would be a felony if committed by an adult. If the alleged felony constitutes a Class A felony and the court finds probable cause, the court shall transfer the case to the superior court for trial as in the case of adults.

(b) After notice, hearing, and a finding that the juvenile is a member of a street gang as defined in G.S. 14-50.16, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, the court shall transfer jurisdiction over a juvenile from the juvenile court to district criminal court if the juvenile was at least 16 years of age at the time the juvenile allegedly committed an offense that would be a misdemeanor if committed by an adult, provided the alleged offense is related to the juvenile's membership in a gang."

SECTION 17.(b) Effective July 1, 2020, Article 22 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-2203.1. Hearing to determine street gang membership.

Upon motion by the prosecutor or the juvenile's attorney asserting that a juvenile that was at least 16 years of age at the time the juvenile allegedly committed an offense that would be a misdemeanor if committed by an adult is a member of a street gang as defined in G.S. 14-50.16, the court shall conduct a hearing to determine whether the juvenile is a member of a street gang, and to determine whether the alleged offense is related to the juvenile's membership in a gang. The juvenile shall receive notice of the hearing at least five days prior to the hearing. At the hearing, the prosecutor and the juvenile may be heard and may offer evidence, and the juvenile's attorney may examine any court or probation records, or other records the court may consider in determining whether the juvenile is a member of a street gang, and to determine whether the alleged offense is related to the juvenile's membership in a gang. If the court finds by a preponderance of the evidence that the juvenile is a member of a street gang, and to determine whether the alleged offense is related to the juvenile's membership in a gang, the court shall transfer the juvenile as provided in G.S. 7B-2200(b)."

EFFECTIVE DATE

SECTION 18. Except as otherwise provided in this act, this act is effective when it becomes law. Prosecutions or delinquency proceedings initiated for offenses committed before any particular section of this act becomes effective are not abated or affected by this act, and the statutes that are in effect on the dates the offenses are committed remain applicable to those prosecutions.