

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1119

Short Title: Juvenile Intermittent Commitment.

(Public)

---

Sponsors: Representatives Flaherty, Pope; and Bowman.

---

Referred to: Judiciary III.

---

April 24, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE LAW RELATING TO THE INTERMITTENT  
3 COMMITMENT OF DELINQUENT JUVENILES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 7A-649 reads as rewritten:

6 **"§ 7A-649. Dispositional alternatives for delinquent juvenile.**

7 In the case of any juvenile who is delinquent, the judge may:

- 8 (1) Suspend imposition of a more severe, statutorily permissible  
9 disposition with the provision that the juvenile meet certain conditions  
10 agreed to by him and specified in the dispositional order. The  
11 conditions shall not exceed the maximum criminal sanction  
12 permissible for the offense;
- 13 (2) Require restitution, full or partial, payable within a 12-month period to  
14 any person who has suffered loss or damage as a result of the offense  
15 committed by the juvenile. The judge may determine the amount,  
16 terms, and conditions of the restitution. If the juvenile participated  
17 with another person or persons, all participants should be jointly and  
18 severally responsible for the payment of restitution; however, the  
19 judge shall not require the juvenile to make restitution if the juvenile  
20 satisfies the court that he does not have, and could not reasonably  
21 acquire, the means to make restitution;
- 22 (3) Impose a fine related to the seriousness of the juvenile's offense. If the  
23 juvenile has the ability to pay the fine, it shall not exceed the  
24 maximum fine for the offense if committed by an adult;

- 1 (4) Order the juvenile to perform supervised community service consistent  
2 with the juvenile's age, skill, and ability, specifying the nature of the  
3 work and the number of hours required. The work shall be related to  
4 the seriousness of the juvenile's offense and in no event may the  
5 obligation to work exceed 12 months;
- 6 (5) Order the juvenile to a supervised day program, requiring him to be  
7 present at a specified place for all or part of every day or of certain  
8 days. The judge also may require the juvenile to comply with any other  
9 reasonable conditions specified in the dispositional order that are  
10 designed to facilitate supervision;
- 11 (6) Order the juvenile to a community-based program of academic or  
12 vocational education or to a professional residential or nonresidential  
13 treatment program. Participation in the programs shall not exceed 12  
14 months;
- 15 (7) Impose confinement on an intermittent basis in an approved detention  
16 facility. Confinement shall be limited ~~to~~ to not more than five 24-hour  
17 periods, the timing of which is determined by the court in its  
18 discretion.
- 19 a. ~~Night custody for no more than a total of five nights; or~~  
20 b. ~~Weekend custody for no more than a total of two weekends;~~  
21 Confinement in either case shall be completed within a period of ~~60~~ 90  
22 days from the date of disposition;
- 23 (8) Place the juvenile on probation under the supervision of a court  
24 counselor. In any case where a juvenile is placed on probation, the  
25 court counselor shall have the authority to visit the juvenile where he  
26 resides. The judge shall specify conditions of probation that are related  
27 to the needs of the juvenile including any of the following which  
28 apply:
- 29 a. That the juvenile shall remain on good behavior and not violate  
30 any laws;
- 31 b. That the juvenile attend school regularly;
- 32 c. That the juvenile not associate with specified persons or be in  
33 specified places;
- 34 d. That the juvenile report to a court counselor as often as required  
35 by a court counselor;
- 36 e. That the juvenile make specified financial restitution or pay a  
37 fine in accordance with subdivisions (2) and (3);
- 38 f. That the juvenile be employed regularly if not attending school.
- 39 An order of probation shall remain in force for a period not to exceed  
40 one year from the date entered. Prior to expiration of an order of  
41 probation, the judge may extend it for an additional period of one year  
42 after a hearing if he finds that the extension is necessary to protect the  
43 community or to safeguard the welfare of the juvenile;

- 1           (9)    Order that the juvenile shall not be licensed to operate a motor vehicle  
2                in the State of North Carolina for as long as the court retains  
3                jurisdiction over the juvenile or for any shorter period of time;  
4           (10)   Commit the juvenile to the Division of Youth Services in accordance  
5                with G.S. 7A-652."

6            Sec. 2.   This act becomes effective October 1, 1991, and applies to  
7   dispositions ordered on and after that date.