

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 353  
HOUSE BILL 1119

AN ACT TO CLARIFY THE LAW RELATING TO THE INTERMITTENT  
COMMITMENT OF DELINQUENT JUVENILES.

The General Assembly of North Carolina enacts:

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

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

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

- (1) Suspend imposition of a more severe, statutorily permissible disposition with the provision that the juvenile meet certain conditions agreed to by him and specified in the dispositional order. The conditions shall not exceed the maximum criminal sanction permissible for the offense;
- (2) Require restitution, full or partial, payable within a 12-month period to any person who has suffered loss or damage as a result of the offense committed by the juvenile. The judge may determine the amount, terms, and conditions of the restitution. If the juvenile participated with another person or persons, all participants should be jointly and severally responsible for the payment of restitution; however, the judge shall not require the juvenile to make restitution if the juvenile satisfies the court that he does not have, and could not reasonably acquire, the means to make restitution;
- (3) Impose a fine related to the seriousness of the juvenile's offense. If the juvenile has the ability to pay the fine, it shall not exceed the maximum fine for the offense if committed by an adult;
- (4) Order the juvenile to perform supervised community service consistent with the juvenile's age, skill, and ability, specifying the nature of the work and the number of hours required. The work shall be related to the seriousness of the juvenile's offense and in no event may the obligation to work exceed 12 months;
- (5) Order the juvenile to a supervised day program, requiring him to be present at a specified place for all or part of every day or of certain days. The judge also may require the juvenile to comply with any other reasonable conditions specified in the dispositional order that are designed to facilitate supervision;
- (6) Order the juvenile to a community-based program of academic or vocational education or to a professional residential or nonresidential

treatment program. Participation in the programs shall not exceed 12 months;

- (7) Impose confinement on an intermittent basis in an approved detention facility. Confinement shall be limited ~~to~~ to not more than five 24-hour periods, the timing of which is determined by the court in its discretion.

a ~~Night custody for no more than a total of five nights; or~~

b. ~~Weekend custody for no more than a total of two weekends;~~

Confinement in either case shall be completed within a period of ~~60~~ 90 days from the date of disposition;

- (8) Place the juvenile on probation under the supervision of a court counselor. In any case where a juvenile is placed on probation, the court counselor shall have the authority to visit the juvenile where he resides. The judge shall specify conditions of probation that are related to the needs of the juvenile including any of the following which apply:

a. That the juvenile shall remain on good behavior and not violate any laws;

b. That the juvenile attend school regularly;

c. That the juvenile not associate with specified persons or be in specified places;

d. That the juvenile report to a court counselor as often as required by a court counselor;

e. That the juvenile make specified financial restitution or pay a fine in accordance with subdivisions (2) and (3);

f. That the juvenile be employed regularly if not attending school.

An order of probation shall remain in force for a period not to exceed one year from the date entered. Prior to expiration of an order of probation, the judge may extend it for an additional period of one year after a hearing if he finds that the extension is necessary to protect the community or to safeguard the welfare of the juvenile;

- (9) Order that the juvenile shall not be licensed to operate a motor vehicle in the State of North Carolina for as long as the court retains jurisdiction over the juvenile or for any shorter period of time;

- (10) Commit the juvenile to the Division of Youth Services in accordance with G.S. 7A-652."

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

In the General Assembly read three times and ratified this the 20th day of June, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives