

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 145
Committee Substitute Favorable 3/1/94

Short Title: Charge Minor/Tell Parent.

(Public)

Sponsors:

Referred to:

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE PARENT, GUARDIAN, OR NEXT OF KIN OF
A MINOR WHO IS CHARGED OR TAKEN INTO CUSTODY BY A LAW
ENFORCEMENT OFFICER SHALL BE NOTIFIED WITHOUT UNNECESSARY
DELAY AND TO AMEND THE LAW REGARDING THE CONCEALMENT OF
MERCHANDISE IN MERCANTILE ESTABLISHMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-505 reads as rewritten:

"§ 15A-505. Notification of minor's parent.

(a) A law-enforcement officer who charges a minor under the age of 18 years with a criminal offense or takes a minor into custody shall, ~~must,~~ without unnecessary delay, make a reasonable effort to inform or cause to be informed a parent or guardian of the minor of the ~~charge.~~ charge or the taking into custody. If the parent or guardian of the minor cannot be found, then the officer or the officer's immediate superior shall, without unnecessary delay, make a reasonable effort to notify the minor's next of kin of the minor's charge or the taking into custody.

(b) ~~This notice is not required if:~~ The notification provided for by subsection (a) of this section shall not be required if:

(1) The minor is ~~emancipated;~~ or emancipated;

(2) The minor has been charged with a motor vehicle moving violation for which three or fewer points are assessed under G.S. 20-16(c), except an offense involving impaired driving, as defined in G.S. 20-4.01(24a); or

1 (3) The minor has been charged with a motor vehicle offense that is not a
2 moving violation."

3 Sec. 2. G.S. 14-72.1(c) reads as rewritten:

4 "(c) A merchant, or ~~his~~the merchant's agent or employee, or a peace officer who
5 detains or causes the arrest of any person shall not be held civilly liable for detention,
6 malicious prosecution, false imprisonment, or false arrest of the person detained or
7 arrested, where such detention is in a reasonable manner for a reasonable length of time,
8 if in detaining or in causing the arrest of such person, the merchant, or ~~his~~the merchant's
9 agent or employee, or the peace officer had at the time of the detention or arrest
10 probable cause to believe that the person committed the offense created by this section.
11 If the person being detained by the merchant, or ~~his~~the merchant's agent or employee, is
12 a ~~minor 16 years of age or younger,~~minor under the age of 18 years, the merchant or ~~his~~
13 the merchant's agent or employee, shall call or notify, or make a reasonable effort to call
14 or notify the parent or guardian of the minor, during the period of detention. A
15 merchant, or the merchant's agent or employee, shall not be held civilly liable for failing
16 to notify the parent or guardian of the minor."

17 Sec. 3. This act becomes effective January 1, 1995, and applies to offenses
18 occurring on or after that date.