

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 28*

Short Title: Trans. Juv. to Sup. Ct./Hearing/Records.

(Public)

Sponsors: Representatives G. Miller; Alphin, Arnold, Baddour, Barbee, Berry, Black, Bowie, Bowman, Church, Cole, Colton, Crawford, Cromer, Cummings, Cunningham, Decker, Diamont, Dickson, Fussell, Gardner, Gottovi, Hall, Hightower, Hill, Hunt, R. Hunter, Ives, Jarrell, Jeffus, Jenkins, Joye, Lemmond, Lutz, Mavretic, McCrary, McLaughlin, McLawhorn, Mercer, Mitchell, Moore, Mosley, Nichols, C. Preston, J. Preston, Ramsey, Redwine, Robinson, Russell, Smith, Spears, Stewart, Sutton, Warner, Wilkins, Wilmoth, Wood, and Wright.

Referred to: Judiciary III.

February, 8, 1994

A BILL TO BE ENTITLED

1
2 AN ACT TO TRANSFER JURISDICTION OF CERTAIN JUVENILES TO
3 SUPERIOR COURT, PROVIDE FOR A PROBABLE CAUSE HEARING, AND
4 RETAIN RECORDS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7A-608 reads as rewritten:

7 "(a) The court after notice, hearing, and a finding of probable cause may transfer
8 jurisdiction over a juvenile 14 years of age or older to superior court if the juvenile was
9 14 years of age or older at the time he-the juvenile allegedly committed an offense which
10 that would be a felony if committed by an adult. If the alleged felony constitutes a Class
11 A-Class A, B, C, D, or E felony and the judge-court finds probable cause, the judge-court
12 shall transfer the case to the superior court for trial as in the case of adults.

13 (b) The court after notice, hearing, and a finding of probable cause may transfer
14 jurisdiction over a juvenile to superior court for trial as in the case of an adult if the
15 juvenile was 13 years of age but not yet 14 years of age at the time the juvenile
16 allegedly committed an offense that would be a Class A, B, C, D, or E felony if
17 committed by an adult."

18 Sec. 2. G.S. 7A-609(a) reads as rewritten:

1 "(a) The ~~judge court~~ shall conduct a hearing to determine probable cause in all
2 felony cases ~~in which a juvenile was 14 years of age or older when the offense was allegedly~~
3 ~~committed unless counsel as provided in G.S. 7A-608. Counsel~~ for the juvenile ~~waives~~
4 ~~may waive~~ in writing ~~his~~ the right to the hearing and ~~stipulates~~ stipulate to a finding of
5 probable cause. The ~~judge court~~ may exclude the public from the hearing unless the
6 juvenile moves that the hearing be open, which motion shall be granted."

7 Sec. 3. G.S. 7A-610(a) reads as rewritten:

8 "(a) If probable cause is ~~found~~, found and transfer to superior court is not required
9 by G.S. 7A-608, the prosecutor or the juvenile may move that the case be transferred to
10 the superior court for trial as in the case of adults. ~~If the alleged felony does not constitute~~
11 ~~a capital offense, the~~ The judge may proceed to shall determine whether the needs of the
12 juvenile or the best interest of the State will be served by transfer of the case to superior
13 court for trial as in the case of adults. When the case is transferred to superior court, the
14 superior court has jurisdiction over that felony, any offense based on the same act or
15 transaction or on a series of acts or transactions connected together or constituting parts
16 of a single scheme or plan of that felony, and any greater or lesser included offense of
17 that felony."

18 Sec. 4. G.S. 7A-601(3) reads as rewritten:

19 "(3) If a juvenile ~~14~~ 13 years of age or older is found to have committed a
20 delinquent act ~~which~~ that would be a felony if committed by an adult,
21 all records resulting from a nontestimonial order may be retained in the
22 court file. Special precautions shall be taken to ensure that these
23 records will be maintained in such a manner and under such safeguards
24 as to limit their use to inspection for comparison purposes by law-
25 enforcement officers only in the investigation of a crime."

26 Sec. 5. This act becomes effective May 1, 1994, and applies to offenses
27 committed on or after that date.