

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 122

Short Title: Detention of Juveniles.

(Public)

Sponsors: Senators Marshall; and Folger.

Referred to: Juveniles/Prevention.

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE DETENTION OF JUVENILES TRANSFERRED
FOR TRIAL AS ADULTS IN LOCAL CONFINEMENT FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-611 reads as rewritten:

"§ 7A-611. Right to pretrial release; detention.

Once ~~the~~ an order of transfer as provided in G.S. 7A-608 has been entered, the juvenile has the right to pretrial release as provided in G.S. 15A-533 and 15A-534. The release order shall specify the person or persons to whom the juvenile may be released. Pending release under this Article, the judge shall order that the juvenile be detained in ~~a local detention home as defined by G.S. 7A-517(5) or a regional detention home as defined by G.S. 7A-517(26) while awaiting trial.~~ a single, separate cell in a local confinement facility as defined by G.S. 153A-217(5). The judge may order the juvenile to be held in a holdover facility as defined by G.S. 7A-517(16) at any time the presence of the juvenile is required in court for pretrial hearings or trial, if the judge finds that it would be inconvenient to return the juvenile to the ~~local or regional detention home.~~ confinement facility.

Should the juvenile be found guilty, or enter a plea of guilty or no contest to criminal offenses in ~~superior court~~ a criminal proceeding and the juvenile receives an active sentence, then immediate transfer to the Department of Correction shall be ordered. Until such time as the juvenile is transferred to the Department of Correction, the juvenile may be detained in a holdover facility as defined by G.S. 7A-517(16). ~~The juvenile may not be detained in a local detention home as defined by G.S. 7A-517(15) or a regional detention home as defined by G.S. 517(26)[G.S. 7A-517(26)] pending transfer to the~~

1 ~~Department of Correction.~~ The juvenile may be kept by the Department of Correction as a
2 safekeeper until the juvenile is placed in an appropriate correctional program."

3 Sec. 2. G.S. 15A-534 is amended by adding a new subsection to read:

4 "(i) A juvenile transferred for trial as an adult as provided in G.S. 7A-608 shall be
5 detained pending release or otherwise in accordance with G.S. 7A-611."

6 Sec. 3. This act becomes effective July 1, 1994, and applies to offenses
7 committed on or after that date.