

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 1996

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HOUSE BILL 52
Second Edition Engrossed 7/10/96
Senate Appropriations Committee Substitute Adopted 7/17/96

Short Title: Budget Changes.

(Public)

Sponsors:

Referred to:

July 10, 1996

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES IN THE BUDGET OPERATION OF THE STATE
AND TO STRENGTHEN THE JUVENILE JUSTICE SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. The Director of the Budget may use lapsed salary funds for the 1995-97 fiscal biennium to match federal funds for disaster relief and for educational training programs.

Sec. 2. (a)G.S. 7A-524 reads as rewritten:

"§7A-524. Retention of jurisdiction.

When the court obtains jurisdiction over a juvenile, jurisdiction shall continue until terminated by order of the court or until ~~he~~ the juvenile reaches his eighteenth birthday. ~~the age of eighteen.~~ When proceedings cannot be concluded before the juvenile reaches the age of eighteen, the court retains jurisdiction for the sole purpose of transferring the matter to the superior court pursuant to G.S. 7A-608. The court shall transfer the matter without holding a probable cause hearing. Any juvenile who is under the jurisdiction of the court and commits a criminal offense after ~~his~~ the juvenile's sixteenth birthday is subject to prosecution as an adult. Any juvenile who is transferred to and sentenced by the superior court for a felony offense shall be prosecuted as an adult for all other crimes alleged to have been committed by ~~him~~ the juvenile while ~~he~~ the juvenile is under the active supervision of the superior court. Nothing herein shall be construed to divest the court of jurisdiction in abuse, neglect, or dependency proceedings."

1 (b) G.S. 7A-655 reads as rewritten:

2 **"§7A-655. Conditional release and final discharge.**

3 The Division of Youth Services shall release a juvenile either by conditional release
4 or by final discharge. The decision as to which type of release is appropriate shall be
5 made by the Director based on the needs of the juvenile and the best interests of the
6 State under rules and regulations governing release which shall be promulgated by the
7 Division of Youth Services, according to the following guidelines:

8 (1) Conditional release is appropriate for a juvenile needing supervision
9 after leaving the institution. As part of the prerelease planning process,
10 the terms of conditional release shall be set out in writing and a copy
11 given to the juvenile, ~~his~~the juvenile's parent, the committing court,
12 and the court counselor who will provide aftercare supervision. The
13 time that a juvenile spends on conditional release shall be credited
14 toward ~~his~~the juvenile's maximum period of commitment to the
15 Division of Youth Services.

16 (2) Final discharge is appropriate when the juvenile does not require
17 supervision, has completed a maximum commitment for ~~his~~the
18 juvenile's offense, or is 18 years of age.

19 (3) Before the Division of Youth Services considers for release a juvenile
20 who is serving a commitment for a Class A or B1 felony, the Division
21 shall notify, at least 30 days in advance of considering the release, by
22 first class mail at the last known address:

23 a. The juvenile;

24 b. The juvenile's parent, guardian, or custodian;

25 c. The district attorney of the district where the juvenile was
26 adjudicated;

27 d. The head law enforcement agency that took the juvenile into
28 custody;

29 e. The victim, and any of the victim's immediate family members
30 who have requested in writing to be notified; and

31 f. As many newspapers of general circulation and other media in
32 the county where the juvenile was adjudicated delinquent and if
33 different, in the county where the juvenile was charged, as
34 reasonable.

35 (4) The Division of Youth Services must consider any information
36 provided by any such parties described in subsection (3) before
37 consideration for release a juvenile adjudicated of a Class A or B1
38 offense unless the juvenile is being released because the juvenile has
39 reached the age of eighteen. The Division shall provide written notice
40 of any decision within 10 days that involves the release of a juvenile
41 who is serving a commitment for a Class A or B1 felony. The
42 Division shall not include the name of the victim in its notification to
43 the newspapers and media."

1 Sec. 3. Section 1 of this act becomes effective July 1, 1996. Subsection 2 (a)
2 of this act is effective upon ratification of this act and applies to all cases pending on
3 that date. Subsection 2(b) of this act becomes effective October 1, 1996, and applies to
4 juveniles considered for release on or after that date.