

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS35075-LT-10 (1/19)

Short Title: Deter Juvenile Auto Larceny.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STRICTER PENALTIES FOR JUVENILES WHO COMMIT
LARCENY OF A MOTOR VEHICLE OR WHO ARE IN POSSESSION OF A
STOLEN MOTOR VEHICLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1701 reads as rewritten:

"§ 7B-1701. **Preliminary inquiry.**

When a complaint is received, the juvenile court counselor shall make a preliminary determination as to whether the juvenile is within the jurisdiction of the court as a delinquent or undisciplined juvenile. If the juvenile court counselor finds that the facts contained in the complaint do not state a case within the jurisdiction of the court, that legal sufficiency has not been established, or that the matters alleged are frivolous, the juvenile court counselor, without further inquiry, shall refuse authorization to file the complaint as a petition.

When requested by the juvenile court counselor, the prosecutor shall assist in determining the sufficiency of evidence as it affects the quantum of proof and the elements of offenses.

The juvenile court counselor, without further inquiry, shall authorize the complaint to be filed as a petition if the juvenile court counselor finds reasonable grounds to believe that the juvenile has committed one of the following nondivertible offenses:

(1) ~~Murder~~; Murder.

(2) First-degree rape or second degree ~~rape~~; rape.

(3) First-degree sexual offense or second degree ~~sexual offense~~; offense.

(4) ~~Arson~~; Arson.

(5) Any violation of Article 5, Chapter 90 of the General Statutes that would constitute a felony if committed by an ~~adult~~; adult.

(6) First degree ~~burglary~~; burglary.

1 (7) Crime against ~~nature~~; or nature.

2 (8) Any felony which involves the willful infliction of serious bodily
3 injury upon another or which was committed by use of a deadly
4 weapon.

5 (9) Larceny of a motor vehicle or possession of a stolen motor vehicle."

6 **SECTION 2.** G.S. 7B-1903(b)(1) reads as rewritten:

7 "(1) The juvenile is charged with a felony and has demonstrated that the
8 juvenile is a danger to property or persons. A juvenile charged with
9 larceny of a motor vehicle or possession of a stolen motor vehicle shall
10 be presumed to be a danger to property or persons."

11 **SECTION 3.** G.S. 7B-2507(d) reads as rewritten:

12 "(d) Multiple Prior Adjudications Obtained in One Court Session. – For purposes
13 of determining the delinquency history level, if a juvenile is adjudicated delinquent for
14 more than one misdemeanor offense in a single session of district court, only the
15 adjudication for the offense with the highest point total is used. If a juvenile is
16 adjudicated delinquent for more than one felony offense in a single session of district
17 court, each adjudication shall receive separate points."

18 **SECTION 4.** G.S. 7B-3000(f) reads as rewritten:

19 "(f) The juvenile's record of an adjudication of delinquency for an offense that
20 would be a ~~Class A, B1, B2, C, D, or E~~ felony if committed by an adult may be used in
21 a subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule
22 404(b), or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a),
23 15A-1340.16(d), or 15A-2000(e). The record may be so used only by order of the court
24 in the subsequent criminal proceeding, upon motion of the prosecutor, after an in
25 camera hearing to determine whether the record in question is admissible."

26 **SECTION 5.** This act becomes effective December 1, 2005, and applies to
27 offenses committed on or after that date.