

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Mar 13, 2023
S.B. 303
PRINCIPAL CLERK

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SENATE BILL DRS45121-NB-16

Short Title: Strengthen Juvenile Laws.

(Public)

Sponsors: Senators Britt, Sanderson, and McInnis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE DEFINITION OF DELINQUENT
3 JUVENILE, TO MODIFY THE TRANSFER PROCESS FOR JUVENILES CHARGED
4 WITH CERTAIN FELONIES, AND TO MODIFY THE CONFIDENTIALITY OF
5 CERTAIN INFORMATION CONCERNING JUVENILES UNDER INVESTIGATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** G.S. 7B-1501 reads as rewritten:

8 **"§ 7B-1501. Definitions.**

9 In this Subchapter, unless the context clearly requires otherwise, the following words have
10 the listed meanings. The singular includes the plural, unless otherwise specified:

11 ...

12 (7) Delinquent juvenile. –

- 13 a. Any juvenile who, while less than 16 years of age but at least 10 years
14 of age, commits a crime or infraction under State law or under an
15 ordinance of local government, including violation of the motor
16 vehicle laws, or who commits indirect contempt by a juvenile as
17 defined in G.S. 5A-31.
- 18 b. Any juvenile who, while less than 18 years of age but at least 16 years
19 of age, commits indirect contempt by a juvenile, as defined in
20 G.S. 5A-31, or who commits a crime or an infraction under State law
21 or under an ordinance of local government, excluding all of the
22 following:
- 23 1. Any offense constituting a Class A, B1, B2, or C felony, and
24 any related offense based on the same act or transaction or a
25 series of acts or transactions connected together or constituting
26 parts of a single scheme or plan of that felony, and any greater
27 or lesser included offense of that felony.
- 28 2. Any firearm-related felony, as defined in G.S. 14-7.35. For
29 purposes of this sub-subdivision, the term "firearm" is as
30 defined in G.S. 14-409.39.
- 31 3. All violations of the motor vehicle laws under Chapter 20 of
32 the General Statutes, or who commits indirect contempt by a
33 juvenile as defined in G.S. 5A-31. Statutes.
- 34 c. Any juvenile who, while less than 10 years of age but at least 8 years
35 of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State
36 law.



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- d. Any juvenile who, while less than 10 years of age but at least 8 years of age, commits a crime or an infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, and has been previously adjudicated delinquent."

SECTION 1.(b) G.S. 7B-2200.5 reads as rewritten:

"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.

(a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a ~~Class A, B1, B2, C, Class D~~, E, F, or G felony if committed by an adult, the court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults unless the prosecutor declines to prosecute in superior court as provided in subsection (a1) of this section after either of the following:

- (1) Notice to the juvenile and a finding by the court that a bill of indictment has been returned against the juvenile charging the commission of an offense that constitutes a ~~Class A, B1, B2, C, Class D~~, E, F, or G felony if committed by an adult.
- (2) Notice, hearing, and a finding of probable cause that the juvenile committed an offense that constitutes a ~~Class A, B1, B2, C, Class D~~, E, F, or G felony if committed by an adult.

...

(e) If the juvenile was 16 years of age or older at the time the juvenile allegedly committed a firearm-related felony, as defined in G.S. 14-7.35, and in district court, then upon joint motion of the prosecutor and the juvenile's attorney, the district court shall remand the case to juvenile court. After a preliminary inquiry in accordance with G.S. 7B-1701, a complaint remanded under this subsection shall cause the juvenile court counselor to file a petition in juvenile court. The juvenile court counselor may request assistance from the prosecutor if necessary. If a juvenile court counselor does not approve the filing of a petition, the complainant and the victim may request review of the complaint by a prosecutor in accordance with G.S. 7B-1704. The district court shall expunge the record in accordance with G.S. 15A-145.8 at the time of the remand and, if the juvenile meets the criteria established in G.S. 7B-1903, may issue an order for secure custody upon the request of the prosecutor. The prosecutor shall provide a copy of any secure custody order issued to the chief court counselor, or his or her designee, as soon as possible and no more than 24 hours after the order is issued. A juvenile charged with a violation of the motor vehicle laws under Chapter 20 of the General Statutes shall not be subject to remand under this subsection.

(f) Juveniles charged with firearm-related felonies, as defined in G.S. 14-7.35, shall not be subject to this section if they are charged as Class D, E, F, G, H, or I felonies if committed by an adult."

SECTION 1.(c) G.S. 15A-145.8 reads as rewritten:

"§ 15A-145.8. Expunction of records when charges are remanded to district court or juvenile court for juvenile adjudication.

(a) Upon remand pursuant to ~~G.S. 7B-2200.5(d),~~ G.S. 7B-2200.5(d) or G.S. 7B-2200.5(e), the court shall order expunction of all remanded charges. No person as to whom such an order has been entered shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of his or her failure to recite or acknowledge any expunged entries concerning apprehension or trial.

...."

SECTION 2.(a) G.S. 7B-3100 reads as rewritten:

"§ 7B-3100. Disclosure of information about juveniles.

...

(b) Disclosure of information concerning any juvenile under investigation, alleged to be within the jurisdiction of the court, or receiving juvenile consultation services that would reveal the identity of that juvenile is prohibited except ~~that publication for the following purposes:~~

(1) Publication of pictures of runaways is permitted with the permission of the parents and except as a parent, guardian, custodian, or caretaker, as defined in G.S. 7B-101.

(2) As provided in Article 20A of this Chapter and G.S. 7B-3102.

(3) Publication of pictures, name, and identifying information of juveniles for suspect identification and apprehension when the juvenile is under investigation for commission of an offense that subjects a juvenile to transfer to superior court for prosecution under G.S. 7B-2200 or G.S. 7B-2200.5.

(c) The juvenile's guardian ad litem attorney advocate appointed pursuant to G.S. 7B-601 may share confidential information about the juvenile with the juvenile's attorney appointed or retained pursuant to G.S. 7B-2000."

SECTION 2.(b) G.S. 7B-2101 reads as rewritten:

"§ 7B-2101. Interrogation procedures.

(a) Any juvenile in custody must be advised prior to questioning:

(1) That the juvenile has a right to remain silent;

(2) That any statement the juvenile does make can be and may be used against the juvenile;

(3) That the juvenile has a right to have a parent, guardian, ~~or custodian-custodian,~~ or caretaker present during questioning; and

(4) That the juvenile has a right to consult with an attorney and that one will be appointed for the juvenile if the juvenile is not represented and wants representation.

(b) When the juvenile is less than 16 years of age, no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, caretaker, or attorney. If an attorney is not present, the parent, guardian, ~~or custodian-custodian,~~ or caretaker as well as the juvenile must be advised of the juvenile's rights as set out in subsection (a) of this section; however, a parent, guardian, ~~or custodian-custodian,~~ or caretaker may not waive any right on behalf of the juvenile.

...."

SECTION 3. Section 2 of this act is effective when it becomes law. The remainder of this act becomes effective December 1, 2023, and applies to offenses committed on or after that date.