

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 1169
SENATE BILL 486

AN ACT TO REWRITE CHAPTER 134 OF THE GENERAL STATUTES ENTITLED
"REFORMATORIES".

The General Assembly of North Carolina enacts:

Section 1. Chapter 134 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"CHAPTER 134
"YOUTH DEVELOPMENT

"ARTICLE 1. STATE DEPARTMENT OF YOUTH DEVELOPMENT.

"§ 134-1. **State Department of Youth Development created.** — The State Department of Youth Development created by act of the 1947 General Assembly shall be governed by a board of nine members appointed by the Governor. The Commissioner of Social Service shall be an ex officio member without voting power. The original membership of the Board consists of three classes, the first class to serve for a period of two years from date of appointment, the second class to serve for a period of four years from date of appointment, and the third class to serve for a period of six years from date of appointment. At the expiration of the original respective terms of office, all subsequent appointments are for a term of six years, except such as are made to fill unexpired terms. Five members of the Board shall constitute a quorum.

Members of the Board serve for terms as prescribed in this section, and until their successors are appointed and qualified. The Governor has the power to remove any member of the Board whenever, in his opinion, such removal is in the best public interest, and the Governor is not required to assign any reason for any such removal.

"§ 134-2. **Powers and duties of State Department of Youth Development.** — The Stonewall Jackson Manual Training and Industrial School located at Concord, North Carolina, which was created by act of the General Assembly of 1907 and thereafter operated by a Board of Trustees, shall be hereafter known and designated as "Stonewall Jackson School"; the State Home and Industrial School for Girls located at Eagle Springs, North Carolina, which was created by act of the General Assembly of 1917 and thereafter operated under a Board of Managers, shall be hereafter known and designated as "Samarkand Manor School"; the Industrial Farm colony for Women, sometimes known as Dobb's Farm, located at Kinston, North Carolina, which was created by act of the General Assembly of 1927 and thereafter operated under a Board of Directors, shall be hereafter known as "Dobb's School for Girls"; the Eastern Carolina Industrial Training School for Boys located at Rocky Mount, North Carolina, which was created by act of the General Assembly of 1923 and thereafter operated by a Board of Trustees, shall be hereafter known as "Richard T. Fountain School"; the Morrison Training School at Hoffman, North Carolina, created by act of the 1921 General Assembly and thereafter operated by a Board of Directors, shall hereafter be known as "Cameron Morrison School"; and the said five schools together with the Samuel Leonard School, located at McCain, North Carolina, the Juvenile Evaluation Center located at Swannanoa, N. C., and the C. A. Dillon School located at Butner, N. C., shall hereafter be and remain under the management and administrative control of the State Department of Youth Development, and the said State Department of Youth Development shall succeed to, exercise, and perform all the powers and duties heretofore

granted by legislative act, assumed, or otherwise exercised by the respective boards of directors, trustees and managers of the aforesaid schools and institutions and each of the said powers and duties shall hereafter be exercised and performed at each of the said schools and institutions by the State Department of Youth Development. The Department shall be responsible for the management of the said schools and institutions and the distribution of appropriations for the maintenance, permanent enlargement and repair thereof, subject to the provisions of the Executive Budget Act, and said Department shall make reports to the Governor annually and oftener if called for by him, of the condition of each of the said schools and institutions and shall make biennial reports to the Governor to be transmitted by him to the General Assembly of all moneys received and disbursed in the operation of each of said schools. The State Department of Youth Development shall administer said schools and institutions in such a manner as to best promote the interest of the delinquent boys and girls committed to its care and the said Board may transfer individual students from one school to another but may not authorize the consolidation or abandonment of any of the said schools. The said Department shall retain possession and administrative control over the physical assets of the said schools and institutions together with all lands, buildings, improvements and properties appertaining thereto and it is authorized and empowered to do all things reasonably necessary in connection therewith for the care, supervision and training of the boys and girls of all races committed to its care.

"§ 134-3. Organization of the Board. — The State Board of Youth Development is hereby authorized and given full power to meet and organize, and from their number select a chairman and vice-chairman. The Commissioner of Youth Development hereinafter provided for in this Article shall be executive secretary to the Board. All officers of the Board shall serve for a two-year period, which period shall be the same as the State's fiscal biennium.

"§ 134-4. Meetings of the Board. — The State Board of Youth Development shall convene at least four times a year and at places designated by the Board. Insofar as practicable, the place of meetings shall rotate among the several schools and institutions.

"§ 134-5. Executive Committee. — The State Board of Youth Development shall select from its number an executive committee of three members. The powers and duties of the executive committee shall be prescribed by the Board and all actions of this committee shall be reported to the full Board at the next succeeding meeting.

In addition to the executive committee the Board may set up such other committees as may be deemed necessary for the carrying out of the activities of the Board.

"§ 134-6. Bylaws, rules and regulations. — The State Board of Youth Development shall make all necessary bylaws, rules and regulations for its own use and for the governing and administering of the schools, institutions and agencies under its control.

"§ 134-7. Compensation for members of the Board. — The members of the State Board of Youth Development shall be paid the sum of seven dollars (\$7.00) per day and actual expenses while engaged in the discharge of their official duties.

"ARTICLE 2.

"COMMISSIONER OF YOUTH DEVELOPMENT; DIRECTORS; BONDS.

"§ 134-8. Commissioner of Youth Development. — The State Board of Youth Development is hereby authorized and empowered to employ a Commissioner of Youth Development who shall serve all schools, institutions and agencies covered by this Article. The Board shall prescribe the duties and salary of the Commissioner of Youth Development, subject to the approval of the Director of the Budget. The Department may employ secretarial help and such other assistants as in its judgment are necessary to give effect to this Article, subject, however, to the approval of the Director of the Budget. The administrative and executive powers and duties vested in the State Department of Youth Development, including the authority to appoint, promote, demote, and discharge other personnel employed by the Department, shall be delegated to the Commissioner of Youth Development to be administered by him in accordance

with controlling law under rules and regulations proposed by him and approved by the State Board of Youth Development.

The Commissioner of Youth Development shall be a person of demonstrated executive ability and shall have such special education, training, experience and natural ability in welfare, educational and correctional work as are calculated to qualify him for the discharge of his duties, such training shall include special study in the social sciences and adequate institutional and practical experiences; and he must be a person of good character. He shall devote his full time to the duties of his employment and shall hold no other office, except that he shall serve as secretary to the State Board of Youth Development.

The salary of the Commissioner of Youth Development and his assistants and the expenses incident to maintaining his office, his travel expenses, and the expenses of the Board members shall be paid out of special appropriations set up for the State Department of Youth Development. The State Department of Administration shall provide suitable office space in the City of Raleigh for the Commissioner and his staff.

"§ 134-9. Directors. — The State Board of Youth Development shall select a director for each of the schools, institutions and agencies covered by this Chapter. Each director shall be equipped by professional social work training and experience to understand the needs and problems of adolescent boys and girls, to administer an institutional program and to direct professional staff members and other employees. The director of the several institutions, schools and agencies shall be responsible, with the assistance of the Commissioner of Youth Development, for the employment of all personnel. The director of the several schools and institutions shall likewise have the power to dismiss any employee for incompetence or failure to carry out the work assigned to him.

The director shall make monthly reports to the Commissioner of Youth Development on the conduct and activities of the schools, institutions or agencies and on the boys and girls under their care, and such reports on the financial and business management of the schools, institutions or agencies as may be required by the Board of Youth Development.

"§ 134-10. Bonds for directors and budget officers. — All directors and budget officers shall before entering upon their duties make a good and sufficient bond payable to the State of North Carolina in such form and amount as may be specified by the Governor and approved by the State Treasurer. The bonds herein provided for shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8.

"ARTICLE 3. COMMITMENT, CARE AND RELEASE.

"§ 134-11. Who may be committed. — The schools, institutions and agencies enumerated, and others that now exist or may be hereafter established, shall accept and train all delinquent children of all races and creeds under the age of 18 as may be committed to the State Department of Youth Development by the judges of the General Court of Justice to which assigned or by judges of other courts having jurisdiction provided such persons are not mentally or physically incapable of being substantially benefited by the program of the institution, school or agency.

"§ 134-12. Removal request by Board. — If any boy or girl under the care of a school, institution or agency shall offer violence to a member of the staff or another boy or girl or do or attempt to do injury to the buildings, equipment, or property of the school, or shall by gross or habitual misconduct exert a dangerous or pernicious influence over other boys and girls, the Department of Youth Development may request the court committing said boy or girl or any court of proper jurisdiction to relieve the Board of the custody of the boy or girl.

"§ 134-13. Transfer by order of Governor. — The Governor of the State may by order transfer any person under the age of 18 years from any jail or prison in this State to one of the institutions, schools or agencies of correction.

"§ 134-14. Department to be in position to care for offender before commitment. — Before committing any person to the State Department of Youth Development, the court shall

ascertain whether the State Department of Youth Development is in a position to care for such person and no person shall be sent to the Department until the committing agency has received notice from the Commissioner that such person can be received. It shall be at all times within the discretion of the State Department of Youth Development as to whether the Department will receive any qualified person into any specific school, institution or agency. No commitment shall be made for any definite term but any person so committed may be released or discharged at any time after commitment, as hereinafter provided in this Article.

"§ 134-15. **Delivery to institution.** — It shall be the duty of the authorities from which the person is sent to the State Department of Youth Development by any court to see that such person is safely and duly delivered to the school, institution or agency to which assigned by the Department and to pay all expenses incident to his or her conveyance and delivery to the said school, institution or agency. If the offender be a girl, she must be accompanied by a woman approved by the committing court.

"§ 134-16. **Return of boys and girls improperly committed.** — Whenever it shall appear to the satisfaction of the director of a State school, institution or agency and the State Department of Youth Development that any boy or girl committed to such school, institution or agency is not of a proper age to be so committed, or is not properly committed, or is mentally or physically incapable of being materially benefited by the service of such school, institution or agency, the director, with the approval of the Commissioner of Youth Development, may return such boy or girl to the committing court to be dealt with in all respects as though he or she had not been so committed.

"§ 134-17. **Conditional release; Department may grant conditional release; revocation of release.** — The Department of Youth Development shall have power to grant conditional release to any person in any school, institution or agency under its jurisdiction and may delegate this power to the directors of the various schools, institutions and agencies, under rules and regulations adopted by the Board. Conditional release may be terminated at any time by written revocation by the director, under the rules and regulations adopted by the Board, which written revocation shall be sufficient authority for any officer of the school, institution or agency, or any peace officer to apprehend any person named in such written revocation in any county of the State and to return such person to the institution.

"§ 134-18. **Final discharge.** — Final discharge may be granted by the Commissioner of Youth Development under the rules adopted by the State Board of Youth Development at any time after admission to the school; provided, however, that final discharge must be granted any person upon reaching his 18th birthday, except as provided in G.S. 7A-286.

"ARTICLE 4. CARE OF PERSONS UNDER FEDERAL JURISDICTION.

"§ 134-19. **Care of persons under federal jurisdiction.** — The State Department of Youth Development is hereby empowered to make and enter into contractual relations with the proper officials of the United States for admission to the State schools, institutions and agencies of such federal juvenile delinquents committed to the custody of the Attorney General of the United States as provided in the Federal Juvenile Delinquency Act as would profit from the program and services of the said schools, institutions or agencies.

"§ 134-20. **Term of contract.** — Any contract made under the authority and provision of this Article shall be for a period of not more than two years and shall be renewable from time to time for a period of not to exceed two years.

"§ 134-21. **Approval by State Budget Bureau.** — Any contract entered into under the provisions of this Article with the office of the United States Attorney General, the Bureau of Prisons of the United States Department of Justice, or necessary federal agency by any of the contracting institutions for the care of any persons coming within the provisions of this Article shall not be less than the current estimated cost per capita at the time of execution of the contract, and all such financial provisions of any contract, before the execution of said contract, shall have the approval of the State Budget Bureau.

"ARTICLE 5. GENERAL PROVISIONS.

"§ 134-22. **Care of children born to students.** — The Department of Youth Development shall provide counseling services and assistance to students in the schools who give birth to children and shall make appropriate and proper arrangements for the care of such children in cooperation with the committing courts and agencies providing aftercare for students released from the schools.

"§ 134-23. **Return of runaways.** — If a boy or girl runs away from a State school, institution or agency, the director thereby may cause him or her to be apprehended and returned to such school, institution or agency. Any employee of the school, institution or agency, or any person designated by the director, or any official of the Department of Social Services, or any peace officer may apprehend and return to the school, institution or agency, without a warrant, a runaway boy or girl in any county of the State, and shall forthwith carry such runaway to the school, institution or agency.

"§ 134-24. **Aiding escapees; misdemeanor.** — It shall be unlawful for any person to aid, harbor, conceal, or assist in any way any boy or girl who is attempting to escape or who has escaped from any school, institution or agency of correction and any person rendering such assistance shall be guilty of a misdemeanor.

"§ 134-25. **State Board of Health to supervise sanitary and health conditions.** — The State Board of Health shall have general supervision over the sanitary and health conditions of the several schools, institutions and agencies and shall make periodic examinations of the same and report to the State Department of Youth Development the conditions found with respect to the sanitary and hygienic care of the students.

"§ 134-26. **Providing necessary medical and surgical treatment for students.** — The State Department of Youth Development is authorized and directed to provide, through licensed physicians and surgeons, such medical and surgical treatment as is necessary to preserve the life and health of the students. The medical staff of any school, institution, or agency, under the management and control of the State Department of Youth Development, is hereby authorized to perform or cause to be performed, by competent and skillful physicians or surgeons, medical treatment or surgical operations upon any student when such operation is necessary for the physical health of the student. Provided, that no operation shall be performed except as authorized in G.S. 130-191.

"§ 134-27. **General program, education and training.** — The Department of Youth Development shall establish and conduct at its schools, institutions and agencies, such clinical and medical services, such evaluation and diagnostic programs, such courses of academic, social and vocational education, and such programs of recreation, readjustment and rehabilitation as it deems suitable and proper to accomplish the objectives of developing and implementing an individualized program to meet the specific needs of each boy and girl committed to its care and the precepts of religion, morals, good citizenship and industry shall be taught to each such child.

"§ 134-28. **Visits; community activities; post release assistance.** — The Department of Youth Development shall encourage visits by parents and responsible relatives to boys and girls in its care; shall sponsor and arrange visits by said boys and girls into respectable homes of neighboring citizens who volunteer their counseling services, and, under proper supervision into neighborhood churches which welcome such attendance; and, upon conditional or final release of any boy or girl shall provide continuing counseling, guidance, assistance and encouragement before and after such release as necessary to achieve for said child adequate motivation and proper social readjustment.

"§ 134-29. **Legal effect of commitment.** — An adjudication that a child less than sixteen years of age is delinquent as defined by G.S. 7A-278(2) or commitment of such child to the State Department of Youth Development shall not disqualify the child for public office nor be considered as conviction of any criminal offense nor imprisonment for crime nor cause the

child to forfeit any citizenship rights. In the case of any child who was transferred to any institution operated by the State Department of Youth Development as provided by G.S. 134-13, or whose case was transferred from the district court division to the superior court division of the General Court of Justice for trial as in the case of adults as provided by G.S. 7A-280 and who was convicted of a felony and committed to said Department, or who was otherwise committed to said Department by the superior court division, all citizenship rights forfeited as a result of such conviction shall be automatically restored to such child upon the child's final discharge under the rules of the State Department of Youth Development, and the Commissioner of Youth Development is authorized to issue a certificate to this effect."

Sec. 2. This act shall become effective on November 1, 1971.

In the General Assembly read three times and ratified, this the 21st day of July, 1971.