

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 550
SENATE BILL 473

AN ACT TO REDUCE THE NUMBER OF HOURS OF SECURE CUSTODY FOR A JUVENILE ALLEGED TO BE UNDISCIPLINED BY VIRTUE OF BEING A RUNAWAY AND A JUVENILE ALLEGED TO BE UNDISCIPLINED WHO WILLFULLY FAILS TO APPEAR IN COURT AFTER PROPER NOTICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-574(b) reads as rewritten:

"(b) When a request is made for secure custody, the judge may order secure custody only where he finds there is a reasonable factual basis to believe that the juvenile actually committed the offense as alleged in the petition, and

- (1) That the juvenile is presently charged with a felony, and has demonstrated that he is a danger to property or persons; or
- (1.1) The juvenile is presently charged with a misdemeanor at least one element of which is assault on a person; or
- (2) That the juvenile has willfully failed to appear on a pending delinquency charge or on charges of violation of probation or conditional release, providing the juvenile was properly notified; or
- (3) That a delinquency charge is pending against the juvenile and there is a reasonable cause to believe the juvenile will not appear in court; or
- (4) That the juvenile is an absconder from any State training school or detention facility in this or another state; or
- (5) That there is reasonable cause to believe the juvenile should be detained for his own protection because the juvenile has recently suffered self-inflicted physical injury or recently attempted to do so; in such case, the juvenile must have been refused admission by one appropriate hospital and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization; if such a juvenile is placed in secure custody, he shall receive continuous supervision while in secure custody and a physician shall be notified immediately; or
- (6) That the juvenile is alleged to be undisciplined by virtue of his being a runaway and is found to be inappropriate for nonsecure custody placement or because he refuses nonsecure custody and the court finds that the juvenile needs secure custody for up to 72 hours ~~24 hours~~, excluding Saturdays, Sundays, and State holidays, or where circumstances require for a period not to exceed 72 hours to evaluate

the juvenile's need for medical or psychiatric treatment or to facilitate reunion with his parents; or

- (7) That the juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice; such a juvenile shall be brought to court as soon as possible and in no event should be held more than ~~72 hours.~~ 24 hours, excluding Saturdays, Sundays, and State holidays or where circumstances require for a period not to exceed 72 hours."

Sec. 2. This act shall become effective October 1, 1989.

In the General Assembly read three times and ratified this the 4th day of July,

1989.