

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 381

Short Title: Nontestimonial Juv. Records.

(Public)

Sponsors: Senator Allran.

Referred to: Judiciary II.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE RETENTION OF JUVENILES' NONTESTIMONIAL RECORDS IN CERTAIN CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-601 reads as rewritten:

"§ 7A-601. Destruction of records resulting from nontestimonial identification procedures.

The results of any nontestimonial identification procedures shall be retained or disposed of as follows:

- (1) If a petition is not filed against a juvenile who has been the subject of nontestimonial identification procedures, all records of such evidence shall be destroyed.
- (2) Except as provided in subdivision (3) of this section, if if in the district court or superior court pursuant to a transfer a juvenile is found not guilty, all records resulting from a nontestimonial order shall be destroyed. Further, in the case of a juvenile who is under 14 years of age and who is adjudicated to have committed a delinquent act, which would be less than a felony had the juvenile been an adult, all records shall be destroyed.
- (3) If a juvenile 14 years of age or older is charged with or found to have committed a delinquent act which would be a felony if committed by an adult, all records resulting from a nontestimonial order may be retained in the court ~~file~~ file and shall be forwarded to a central file maintained by the State Bureau of Investigation, for use in

1 identification purposes only. Special precautions shall be taken to
2 ensure that these records will be maintained in such a manner and
3 under such safeguards as to limit their use to inspection for comparison
4 purposes by law-enforcement officers only in the investigation of a
5 crime.

6 (4) If the juvenile is transferred to superior court, all records resulting
7 from nontestimonial identification procedures shall be processed as in
8 the case of an adult.

9 (5) Any evidence seized pursuant to a nontestimonial order shall be
10 retained by law-enforcement officers until further order is entered by
11 the court.

12 (6) Destruction of nontestimonial identification records pursuant to this
13 section shall be performed by the law-enforcement agency having
14 possession of such records. Following destruction, the law-
15 enforcement agency shall make written certification to the court of
16 such destruction."

17 Sec. 2. This act becomes effective October 1, 1991, and applies to all
18 juveniles charged with an act of delinquency on and after that date.