

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 29*

Committee Substitute Favorable 2/18/94

Third Edition Engrossed 2/21/94

Senate Select Committee on Juveniles/Prevention Committee Substitute Adopted 3/2/94

Fifth Edition Engrossed 3/9/94

Short Title: Longer Juvenile Commitments.

(Public)

Sponsors:

Referred to: Appropriations.

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR COMMITMENT OF JUVENILES ADJUDICATED
DELINQUENT FOR CERTAIN FELONY OFFENSES TO AGE EIGHTEEN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-652(b) reads as rewritten:

"(b) Commitment of (i) a juvenile who is 10, 11, or 12 years of age for any offense, or (ii) a juvenile for an offense that was allegedly committed when the juvenile was 13 years of age or older and that would not be a Class A, B, C, D, or E felony if committed by an adult, shall be for:

(1) An indefinite term not to exceed the eighteenth birthday of the juvenile; or

(2) A definite term not to exceed two years if the judge finds that the juvenile is 14 years of age or older, has been previously adjudicated delinquent for two or more felony offenses, and has been previously committed to a residential facility operated by the Division of Youth Services. The Division may reduce the duration of the definite commitment by an amount not to exceed twenty-five percent (25%) if the juvenile has not committed any major infractions of the regulations of any facility to which he is assigned,

1 and the Division of Youth Services may move for a reduction of
2 more than twenty-five percent (25%) pursuant to G.S. 7A-664.

3 Commitment of a juvenile for an offense that would be a Class A, B, C, D, or E
4 felony if committed by an adult, if that juvenile was 13 years of age or older at the time
5 the offense was allegedly committed, shall be for a definite term to expire on the earlier
6 of (i) the juvenile's eighteenth birthday or (ii) the expiration of the applicable
7 period for the class of offense in the following table:

8	<u>Class of Offense</u>	<u>Number of Months</u>
9	<u>A</u>	<u>Unlimited</u>
10	<u>B</u>	<u>135</u>
11	<u>C</u>	<u>63</u>
12	<u>D</u>	<u>55</u>
13	<u>E</u>	<u>25</u>

14 Notwithstanding the provisions of this subsection, the Division of Youth Services
15 may petition the district court of the county in which the juvenile resides to release the
16 juvenile from the residential facility in which the juvenile has been placed upon a
17 showing that:

- 18 (1) The juvenile has observed appropriate discipline in and has received
19 maximum benefit from placement in the residential facility; and
20 (2) There exists an appropriate alternative placement in the community
21 that would serve the juvenile's needs and would protect the safety of
22 the community."

23 Sec. 2. G.S. 7A-652(b) reads as rewritten:

24 "(b) Commitment of (i) a juvenile who is 10, 11, or 12 years of age for any
25 offense, or (ii) a juvenile for an offense that was allegedly committed when the juvenile
26 was 13 years of age or older and that would not be a Class A, B, C, D, or E felony if
27 committed by an adult, shall be for:

- 28 (1) An indefinite term not to exceed the eighteenth birthday of
29 the juvenile; or
30 (2) A definite term not to exceed two years if the judge finds
31 that the juvenile is 14 years of age or older, has been previously
32 adjudicated delinquent for two or more felony offenses, and has been
33 previously committed to a residential facility operated by the
34 Division of Youth Services. The Division may reduce the duration of
35 the definite commitment by an amount not to exceed twenty-five
36 percent (25%) if the juvenile has not committed any major
37 infractions of the regulations of any facility to which he is assigned,
38 and the Division of Youth Services may move for a reduction of
39 more than twenty-five percent (25%) pursuant to G.S. 7A-664.

40 Commitment of a juvenile 13 years of age or older for an offense that would be a
41 Class A, B, C, D, or E felony if committed by an adult shall be for a definite term to
42 expire on the earlier of (i) the juvenile's eighteenth birthday or (ii) the expiration of the
43 maximum sentence in the presumptive minimum range provided in G.S. 15A-
44 1340.17(c) for the applicable class of offense at prior record level one.

1 Notwithstanding the provisions of this subsection, the Division of Youth Services
2 may petition the district court of the county in which the juvenile resides to release the
3 juvenile from the residential facility in which the juvenile has been placed upon a
4 showing that:

- 5 (1) The juvenile has observed appropriate discipline in and has received
6 maximum benefit from placement in the residential facility; and
7 (2) There exists an appropriate alternative placement in the community
8 that would serve the juvenile's needs and would protect the safety of
9 the community."

10 Sec. 3. Section 1 of this act becomes effective May 1, 1994, applies to
11 offenses committed on or after that date, and expires on the date that Section 1 of
12 Chapter 538 of the 1993 Session Laws becomes effective. Section 2 of this act becomes
13 effective on the date that Section 1 of Chapter 538 of the 1993 Session Laws becomes
14 effective and applies to offenses committed on or after that date.