

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1804*

Short Title: Establish Juvenile Department.

(Public)

Sponsors: Representatives Baddour; Barefoot, Blue, Bonner, Bridgeman, Cox, Crawford, Culpepper, Cunningham, Earle, Ford, Goodwin, Hackney, Haire, Hall, Hunter, Hurley, Insko, McAllister, McLawhorn, Melton, Miller, Redwine, Sossamon, Sutton, Thomas, Tolson, Wainwright, Warner, Warren, Weiss, and Yongue.

Referred to: Judiciary IV.

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE DEPARTMENT OF JUVENILE JUSTICE AND
3 DELINQUENCY PREVENTION AND TO MAKE CONFORMING
4 AMENDMENTS TO THE GENERAL STATUTES.

5 The General Assembly of North Carolina enacts:

6 **PART I. CREATION OF DEPARTMENT OF JUVENILE JUSTICE AND**
7 **DELINQUENCY PREVENTION.**

8 Section 1.(a) Article 3C of Chapter 147 of the General Statutes is repealed.

9 Section 1.(b) Chapter 143B of the General Statutes is amended by adding a
10 new Article to read:

11 **“ARTICLE 12.**

12 **“DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY**
13 **PREVENTION.**

14 **“PART 1. CREATION OF DEPARTMENT.**

15 **“§ 143B-511. Creation of the Department of Juvenile Justice and Delinquency**
16 **Prevention.**

1 There is hereby created and constituted a department to be known as the 'Department
2 of Juvenile Justice and Delinquency Prevention' ('Department'), with the organization,
3 powers, and duties defined in Article 1 of this Chapter, except as modified in this Article.

4 **"§ 143B-512. Transfer of Office of Juvenile Justice authority to the Department of**
5 **Juvenile Justice and Delinquency Prevention.**

6 (a) All (i) statutory authority, powers, duties, and functions, including directives of
7 S.L. 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel,
8 personnel positions, and salaries, (iv) property, and (v) unexpended balances of
9 appropriations, allocations, reserves, support costs, and other funds of the Office of
10 Juvenile Justice under the Office of the Governor are transferred to and vested in the
11 Department of Juvenile Justice and Delinquency Prevention. This transfer has all of the
12 elements of a Type I transfer, as defined in G.S. 143A-6.

13 (b) The Department shall be considered a continuation of the Office of Juvenile
14 Justice for the purpose of succession to all rights, powers, duties, and obligations of the
15 Office and of those rights, powers, duties, and obligations exercised by the Office of the
16 Governor on behalf of the Office of Juvenile Justice. Where the Office of Juvenile
17 Justice is referred to by law, contract, or other document, that reference shall apply to the
18 Department. Where the Office of the Governor is referred to by contract or other
19 document, where the Office of the Governor is acting on behalf of the Office of Juvenile
20 Justice, that reference shall apply to the Department.

21 (c) All institutions previously operated by the Office of Juvenile Justice and the
22 present central office of the Office of Juvenile Justice, including land, buildings,
23 equipment, supplies, personnel, or other properties rented or controlled by the Office or
24 by the Office of the Governor for the Office of Juvenile Justice, shall be administered by
25 the Department of Juvenile Justice and Delinquency Prevention.

26 **"PART 2. GENERAL PROVISIONS.**

27 **"§ 143B-513. Definitions.**

28 The definitions set forth in G.S. 7B-1501 apply to this Article, unless modified in this
29 Article.

30 **"§ 143B-514. Duties and powers of the Department of Juvenile Justice and**
31 **Delinquency Prevention.**

32 (a) The head of the Department of Juvenile Justice and Delinquency Prevention is
33 the Secretary of the Department of Juvenile Justice and Delinquency Prevention. The
34 Secretary shall have the powers and duties conferred by this Chapter, delegated by the
35 Governor, and conferred by the Constitution and laws of this State. The Secretary shall be
36 responsible for effectively and efficiently organizing the Department to promote the
37 policy of the State as set forth in this Article and to promote public safety and to prevent
38 the commission of delinquent acts by juveniles.

39 (b) The Secretary shall have the following powers and duties:

- 40 (1) Give leadership to the implementation as appropriate of State policy
41 which requires that training schools be phased out as populations
42 diminish.

- 1 (2) Close a State training school when its operation is no longer justified
2 and transfer State funds appropriated for the operation of any training
3 school which is closed either to fund community-based programs, to
4 purchase care or services for predelinquents, delinquents, or status
5 offenders in community-based or other appropriate programs, or to
6 improve the efficiency of existing training schools, provided any such
7 action is reviewed by the Advisory Budget Commission.
- 8 (3) Administer a sound admission or intake program for juvenile facilities,
9 including the requirement of a careful evaluation of the needs of each
10 juvenile prior to acceptance and placement.
- 11 (4) Operate juvenile facilities and implement programs that meet the needs
12 of juveniles receiving services and that assist them to become
13 productive, responsible citizens.
- 14 (5) Adopt rules and regulations to implement the provisions of this Article
15 and the responsibilities of the Secretary and the Department under
16 Chapter 7B of the General Statutes. The Secretary may adopt rules
17 applicable to local human services agencies providing juvenile court and
18 delinquency prevention services for the purpose of program evaluation,
19 fiscal audits, and collection of third-party payments.
- 20 (6) Ensure a statewide and uniform system of juvenile intake, protective
21 supervision, probation, and post-release supervision services in all
22 district court districts of the State to provide appropriate, adequate, and
23 uniform services to all juveniles who are alleged or found to be
24 undisciplined or delinquent.
- 25 (7) Establish procedures for substance abuse testing for juveniles
26 adjudicated delinquent for substance abuse offenses.
- 27 (8) Plan, develop, and coordinate comprehensive multidisciplinary services
28 and programs statewide for the prevention of juvenile delinquency,
29 early intervention, and rehabilitation of juveniles.
- 30 (9) Develop standards and approve yearly program evaluations and make
31 recommendations to the General Assembly concerning continuation
32 funding based on the evaluations.
- 33 (10) Collect expense data for every program operated and contracted by the
34 Department.
- 35 (11) Develop a formula for funding on a matching basis for juvenile court
36 and delinquency prevention services as provided for in this Article. This
37 formula shall be based upon the county's or counties' relative ability to
38 fund community-based programs for juveniles.

39 Local governments receiving State matching funds for programs
40 under the provisions of this Article must maintain the same overall level
41 of effort that existed at the time of the filing of the county assessment of
42 juvenile needs with the Department.

- 1 (12) Assist local governments and private service agencies in the
2 development of juvenile court services and delinquency prevention
3 services, and provide information on the availability of potential
4 funding sources and assistance in making application for needed
5 funding.
- 6 (13) Assist the Criminal Justice Information Network Governing Board with
7 administering a comprehensive juvenile justice information system to
8 collect data and information about delinquent juveniles for the purpose
9 of developing treatment and intervention plans and allowing reliable
10 assessment and evaluation of the effectiveness of rehabilitative and
11 preventive services provided to delinquent juveniles.
- 12 (14) Coordinate State-level services in relation to delinquency prevention
13 and juvenile court services so that any citizen may go to one place in
14 State government to receive information about available juvenile
15 services.
- 16 (15) Appoint the chief court counselor in each district court district upon the
17 recommendation of the chief district court judge of that district.
- 18 (16) Develop a statewide plan for training and professional development of
19 chief court counselors, court counselors, and other personnel
20 responsible for the care, supervision, and treatment of juveniles,
21 including attendance at appropriate professional meetings and
22 opportunities for educational leave for academic study.
- 23 (17) Study issues related to qualifications, salary ranges, appointment of
24 personnel on a merit basis, including chief court counselors, court
25 counselors, secretaries, and other appropriate personnel, at the State and
26 district levels in order to adopt appropriate policies and procedures
27 governing personnel.
- 28 (c) Except as otherwise specifically provided in this Article and in Article 1 of this
29 Chapter, the functions, powers, duties, and obligations of every agency or division in the
30 Department shall be prescribed by the Secretary of the Department.
- 31 (d) Where Department statistics indicate the presence of minority youth in juvenile
32 facilities disproportionate to their presence in the general population, the Department
33 shall develop and recommend appropriate strategies designed to ensure fair and equal
34 treatment in the juvenile justice system.
- 35 (e) The Department may provide consulting services and technical assistance to
36 courts, law enforcement agencies, and other agencies, local governments, and public and
37 private organizations, and may develop or assist Juvenile Crime Prevention Councils in
38 developing community needs, assessments, and programs relating to the prevention and
39 treatment of delinquent and undisciplined behavior.
- 40 (f) The Department shall develop a cost-benefit model for each State-funded
41 program. Program commitment and recidivism rates shall be components of the model.
42 In developing the model, the Department shall consider the recommendations of the State
43 Advisory Council on Juvenile Justice and Delinquency Prevention.

1 **"§ 143B-515. Authority to contract with other entities.**

2 (a) The Department may contract with any governmental agency, person,
3 association, or corporation for the accomplishment of its duties and responsibilities
4 provided that the expenditure of funds pursuant to these contracts shall be for the
5 purposes for which the funds were appropriated and is not otherwise prohibited by law.

6 (b) The Department may enter into contracts with, and act as intermediary
7 between, any federal government agency and any county of this State for the purpose of
8 assisting the county to recover monies expended by a county-funded financial assistance
9 program; and, as a condition of assistance, the county shall agree to hold and save
10 harmless the Department against any claims, loss, or expense which the Department
11 might incur under the contracts by reason of any erroneous, unlawful, or tortious act or
12 omission of the county or its officials, agents, or employees.

13 (c) The Department and any other appropriate State or local agency may purchase
14 services from public or private agencies providing delinquency prevention programs or
15 juvenile court services, including parenting responsibility classes. The programs shall
16 meet State standards. As institutional populations are reduced, the Department may
17 divert State funds appropriated for institutional programs to purchase the services
18 pursuant to the provisions of the Executive Budget Act.

19 (d) Each programmatic, residential, and service contract or agreement entered into
20 by the Department shall include a cooperation clause to ensure compliance with the
21 Department's quality assurance requirements and cost-accounting requirements.

22 **"§ 143B-516. Authority to assist private nonprofit foundations.**

23 The Department may provide appropriate services or allow employees of the
24 Department to assist any private nonprofit foundation which works directly with services
25 or programs of the Department and whose sole purpose is to support the services and
26 programs of the Department. A Department employee shall be allowed to work with a
27 foundation no more than 20 hours in any one month. These services are not subject to the
28 provisions of Chapter 150B of the General Statutes.

29 The board of directors of each private, nonprofit foundation shall secure and pay for
30 the services of the Department of State Auditor or employ a certified public accountant to
31 conduct an annual audit of the financial accounts of the foundation. The board of
32 directors shall transmit to the Department a copy of the annual financial audit report of
33 the private nonprofit foundation.

34 **"§ 143B-517. Annual report.**

35 On or before April 1 each year, beginning with the year 2001, the Department shall
36 report to the General Assembly on the effectiveness and cost benefit of every program
37 operated and contracted by the Department and a summary of the local programs that
38 receive State funding. The report shall include the most current institutional populations
39 of juveniles being served by the Department, a comparison of the costs of the services,
40 and a ranking of all programs that provide services to juveniles. The Department shall
41 submit the report to the various State agencies providing services to juveniles.

42 **"PART 3. JUVENILE FACILITIES.**

43 **"§ 143B-518. Juvenile facilities.**

1 The Department shall be responsible for administration of statewide programs to
2 provide any juvenile in a juvenile facility with appropriate treatment according to the
3 juvenile's needs, including educational, clinical and psychological, psychiatric, social,
4 medical, vocational, and recreational services or programs.

5 **"§ 143B-519. Authority to provide necessary medical or surgical care.**

6 The Department may provide any medical and surgical treatment necessary to
7 preserve the life and health of juveniles committed to the custody of the Department,
8 provided that no surgical operation may be performed except as authorized in G.S. 148-
9 22.2.

10 **"§ 143B-520. Compensation to juveniles in care.**

11 Juveniles who have been committed to the Department may be compensated for work
12 or participation in training programs at rates approved by the Secretary within available
13 funds. The Secretary may provide for a reasonable allowance to the juvenile for
14 incidental personal expenses, and any balance of the juvenile's earnings remaining at the
15 time the juvenile is released shall be paid to the juvenile or the juvenile's parent or
16 guardian. The Department is authorized to accept grants or funds from any source to
17 compensate juveniles as provided under this section.

18 **"§ 143B-521. Visits and community activities.**

19 (a) The Department shall encourage visits by parents or guardians and responsible
20 relatives of juveniles committed to the custody of the Department.

21 (b) The Department shall develop a program of home visits for juveniles in the
22 custody of the Department, after the juvenile has been in the custody of the Department
23 for a period of at least six months. In developing the program, the Department shall
24 adopt criteria that promote the protection of the public and the best interests of the
25 juvenile.

26 **"§ 143B-522. Regional detention services.**

27 The Department shall be responsible for juvenile detention services, including the
28 development of a statewide plan for regional juvenile detention services that offer
29 juvenile detention care of sufficient quality to meet State standards to any juvenile
30 requiring juvenile detention care within the State in a detention facility as follows:

31 (1) The Department shall plan with the counties operating a county
32 detention facility to provide regional juvenile detention services to
33 surrounding counties, except that the Department shall have discretion
34 in defining the geographical boundaries of the regions based on
35 negotiations with affected counties, distances, availability of juvenile
36 detention care that meets State standards, and other appropriate factors.

37 (2) The Department may plan with any county that has space within its
38 county jail system to use the existing space for a county detention
39 facility when needed, if the space meets the State standards for a
40 detention facility and meets all of the requirements of G.S. 153A-221.
41 The use of space within the county jail system shall be constructed to
42 ensure that juveniles are not able to converse with, see, or be seen by the

1 adult population, and juveniles housed in a space within a county jail
2 shall be supervised closely.

- 3 (3) The Department shall plan for and administer regional detention
4 facilities, including careful planning on location, architectural design,
5 construction, and administration of a program to meet the needs of
6 juveniles in juvenile detention care. The physical facility of a regional
7 detention facility shall comply with all applicable State and federal
8 standards. The programs of a regional detention facility shall comply
9 with the standards established by the Department.

10 **"§ 143B-523. State subsidy to county detention facilities.**

11 The Department shall administer a State subsidy program to pay a county that
12 provides juvenile detention services and meets State standards a certain per diem per
13 juvenile. In general, this per diem should be fifty percent (50%) of the total cost of
14 caring for a juvenile from within the county and one hundred percent (100%) of the total
15 cost of caring for a juvenile from another county. Any county placing a juvenile in a
16 detention facility in another county shall pay fifty percent (50%) of the total cost of
17 caring for the juvenile to the Department. The exact funding formulas may be varied by
18 the Department to operate within existing State appropriations or other funds that may be
19 available to pay for juvenile detention care.

20 **"§ 143B-524. Authority for implementation.**

21 In order to allow for effective implementation of a statewide regional approach to
22 juvenile detention, the Department may:

- 23 (1) Release or transfer a juvenile from one detention facility to another
24 when necessary to administer the juvenile's detention appropriately.
25 (2) Plan with counties operating county detention facilities to provide
26 regional services and to upgrade physical facilities to contract with
27 counties for services and care, and to pay State subsidies to counties
28 providing regional juvenile detention services that meet State standards.
29 (3) Allow law enforcement officers or other appropriate employees of local
30 government to be reimbursed by the State for the costs of transportation
31 of a juvenile to and from any juvenile detention facility.
32 (4) Seek funding for juvenile detention services from federal sources, and to
33 accept gifts of funds from public or private sources.

34 **"PART 4. JUVENILE COURT SERVICES.**

35 **"§ 143B-525. Duties and powers of chief court counselors.**

36 The chief court counselor in each district court district appointed as provided by this
37 Article may:

- 38 (1) Appoint court counselors, secretaries, and other personnel authorized by
39 the Department in accordance with the personnel policies adopted by
40 the Department.
41 (2) Supervise and direct the program of juvenile intake, protective
42 supervision, probation, and post-release supervision within the district
43 court district.

1 (3) Provide in-service training for staff as required by the Department.

2 (4) Keep any records and make any reports requested by the Secretary in
3 order to provide statewide data and information about juvenile needs
4 and services.

5 **"§ 143B-526. Duties and powers of juvenile court counselors.**

6 As the court or the chief court counselor may direct or require, all juvenile court
7 counselors shall have the following powers and duties:

8 (1) Secure or arrange for such information concerning a case as the court
9 may require before, during, or after the hearing.

10 (2) Prepare written reports for the use of the court.

11 (3) Appear and testify at court hearings.

12 (4) Assume custody of a juvenile as authorized by G.S. 7B-1900, or when
13 directed by court order.

14 (5) Furnish each juvenile on probation or protective supervision and the
15 juvenile's parents, guardian, or custodian with a written statement of the
16 juvenile's conditions of probation or protective supervision, and consult
17 with the juvenile's parents, guardian, or custodian so that they may help
18 the juvenile comply with the conditions.

19 (6) Keep informed concerning the conduct and progress of any juvenile on
20 probation or under protective supervision through home visits or
21 conferences with the parents or guardian and in other ways.

22 (7) See that the conditions of probation are complied with by the juvenile,
23 or bring any juvenile who violates the juvenile's probation to the
24 attention of the court.

25 (8) Make periodic reports to the court concerning the adjustment of any
26 juvenile on probation or under court supervision.

27 (9) Keep any records of the juvenile's work as the court may require.

28 (10) Account for all funds collected from juveniles.

29 (11) Serve necessary court documents pertaining to delinquent and
30 undisciplined juvenile matters.

31 (12) Assume custody of juveniles under the jurisdiction of the court when
32 necessary for the protection of the public, or the juvenile, and necessary
33 to carry out the responsibilities of court counselors under this section
34 and under Chapter 7B of the General Statutes.

35 (13) Use reasonable force and restraint necessary to secure custody assumed
36 under subdivision (12) of this section.

37 (14) Provide supervision for a juvenile transferred to the counselor's
38 supervision from another court or another state, and provide supervision
39 for any juvenile released from an institution operated by the Department
40 when requested by the Department to do so.

41 (15) Assist in the development of post-release supervision and the
42 supervision of juveniles.

43 (16) Have any other duties as the court may direct.

1 **"PART 5. COMPREHENSIVE JUVENILE DELINQUENCY AND**
2 **SUBSTANCE ABUSE PREVENTION PLAN.**

3 **"§ 143B-527. Comprehensive Juvenile Delinquency and Substance Abuse Prevention**
4 **Plan.**

5 (a) The Department shall implement the comprehensive juvenile delinquency and
6 substance abuse prevention plan developed by the Office of Juvenile Justice and shall
7 coordinate with county Juvenile Crime Prevention Councils, as provided in G.S. 143B-
8 528, for implementation of a continuum of services and programs at the community level.

9 The Department shall ensure that localities are informed about best practices in
10 juvenile delinquency and substance abuse prevention.

11 (b) The Department shall ensure that the plan contains the following:

12 (1) Identification of the risk factors at the developmental stages of a
13 juvenile's life that may result in delinquent behavior.

14 (2) Identification of the protective factors that families, schools,
15 communities, and the State must support to reduce the risk of juvenile
16 delinquency.

17 (3) Programmatic concepts that are effective in preventing juvenile
18 delinquency and substance abuse and that should be made available as
19 basic services in the communities, including:

20 a. Early intervention programs and services.

21 b. In-home training and community-based family counseling and
22 parent training.

23 c. Adolescent and family substance abuse prevention services,
24 including alcohol abuse prevention services, and substance abuse
25 education.

26 d. Programs and activities offered before and after school hours.

27 e. Life and social skills training programs.

28 f. Classes or seminars that teach conflict resolution, problem
29 solving, and anger management.

30 g. Services that provide personal advocacy, including mentoring
31 relationships, tutors, or other caring adult programs.

32 (c) The Department shall cooperate with all other affected State agencies and
33 entities in implementing this section.

34 **"PART 6. JUVENILE CRIME PREVENTION COUNCILS.**

35 **"§ 143B-528. Legislative intent.**

36 It is the intent of the General Assembly to prevent juveniles who are at risk from
37 becoming delinquent. The primary intent of this Part is to develop community-based
38 alternatives to training schools and to provide community-based delinquency and
39 substance abuse prevention strategies and programs. Additionally, it is the intent of the
40 General Assembly to provide noninstitutional dispositional alternatives that will protect
41 the community and the juveniles.

42 These programs and services shall be planned and organized at the community level
43 and developed in partnership with the State. These planning efforts shall include

1 appropriate representation from local government, local public and private agencies
2 serving juveniles and their families, local business leaders, citizens with an interest in
3 youth problems, youth representatives, and others as may be appropriate in a particular
4 community. The planning bodies at the local level shall be the Juvenile Crime Prevention
5 Councils.

6 **"§ 143B-529. Creation; method of appointment; membership; chair and vice-chair.**

7 (a) As a prerequisite for a county receiving funding for juvenile court services and
8 delinquency prevention programs, the board of commissioners of a county shall appoint a
9 Juvenile Crime Prevention Council. The Juvenile Crime Prevention Council shall consist
10 of not more than 25 members and should include, if possible, the following:

- 11 (1) The local school superintendent(s), or that person's designee(s);
- 12 (2) A chief of police in the county;
- 13 (3) The local sheriff, or that person's designee;
- 14 (4) The district attorney, or that person's designee;
- 15 (5) The chief court counselor, or that person's designee;
- 16 (6) The director of the area mental health, developmental disabilities, and
17 substance abuse authority, or that person's designee;
- 18 (7) The director of the county department of social services, or consolidated
19 human services agency, or that person's designee;
- 20 (8) The county manager, or that person's designee;
- 21 (9) A substance abuse professional;
- 22 (10) A member of the faith community;
- 23 (11) A county commissioner;
- 24 (12) A person under the age of 21;
- 25 (13) A juvenile defense attorney;
- 26 (14) The chief district court judge, or a district court judge designated by the
27 chief district court judge;
- 28 (15) A member of the business community;
- 29 (16) The local health director, or that person's designee;
- 30 (17) A representative from the United Way or other nonprofit agency;
- 31 (18) A representative of a local parks and recreation program; and
- 32 (19) Up to seven members of the public to be appointed by the board of
33 commissioners of a county.

34 The board of commissioners of a county shall modify the Council's membership as
35 necessary to ensure that Council members reflect the racial and socioeconomic diversity
36 of the community and to minimize potential conflicts of interest by members.

37 (b) Two or more counties may establish a multicounty Juvenile Crime Prevention
38 Council pursuant to subsection (a) of this section. The membership shall be
39 representative of each participating county.

40 (c) The chair and vice-chair shall be elected annually by the members of the
41 Council.

42 **"§ 143B-530. Terms of appointment.**

1 Each member of a Juvenile Crime Prevention Council shall serve for a term of two
2 years, except for initial terms as provided in this section. Members may be reappointed.
3 The initial terms of appointment began January 1, 1999. In order to provide for staggered
4 terms, persons appointed for the positions designated in subdivisions (9), (10), (12), (15),
5 (17), and (18) of G.S. 143B-529(a) were appointed for an initial term ending on June 30,
6 2000. After the initial terms, persons appointed for the positions designated in
7 subdivisions (9), (10), (12), (15), (17), and (18) of G.S. 143B-529(a) shall be appointed
8 for two-year terms, beginning on July 1. All other persons appointed to the Council
9 were appointed for an initial term ending on June 30, 2001 and, after those initial terms,
10 persons shall be appointed for two-year terms beginning on July 1.

11 **§ 143B-531. Vacancies; removal.**

12 Appointments to fill vacancies shall be for the remainder of the former member's
13 term.

14 Members shall be removed only for malfeasance, or nonfeasance as determined by the
15 board of commissioners of the county.

16 **§ 143B-532. Meetings; quorum.**

17 Councils shall meet at least bimonthly, or more often if a meeting is called by the
18 chair.

19 A majority of members shall constitute a quorum.

20 **§ 143B-533. Compensation of members.**

21 Members of Juvenile Crime Prevention Councils shall receive no compensation but
22 may receive a per diem in such an amount as may be established by the board of
23 commissioners of the county.

24 **§ 143B-534. Powers and duties.**

25 (a) The Councils shall annually review the needs of juveniles in the county who
26 are at risk of delinquency or who have been adjudicated undisciplined or delinquent and
27 the resources available to address those needs. The Council shall develop and advertise a
28 request for proposal process and submit a written plan of action for the expenditure of
29 juvenile sanction and prevention funds to the board of commissioners of the county for its
30 approval. Upon the county's authorization, the plan shall be submitted to the Department
31 for final approval and subsequent implementation.

32 (b) The Councils shall ensure that appropriate intermediate dispositional options
33 are available and shall prioritize funding for dispositions of intermediate and community
34 level sanctions for court-adjudicated juveniles pursuant to minimum standards adopted by
35 the Department.

36 (c) The Councils shall perform the following functions on an ongoing basis:

37 (1) Assess the needs of juveniles in the community, evaluate the adequacy
38 of resources available to meet those needs, and develop or propose ways
39 to address unmet needs;

40 (2) Evaluate the performance of juvenile services and programs in the
41 community. The Council shall evaluate each funded program as a
42 condition of continued funding;

- 1 (3) Increase public awareness of the causes of delinquency and of strategies
2 to reduce the problem;
3 (4) Develop strategies to intervene and appropriately respond to and treat
4 the needs of juveniles at risk of delinquency through appropriate risk
5 assessment instruments;
6 (5) Provide funds for services for treatment, counseling, or rehabilitation for
7 juveniles and their families, including court-ordered parenting
8 responsibility classes; and
9 (6) Plan for the establishment of a permanent funding stream for
10 delinquency prevention services.

11 (d) The Councils may examine the benefits of joint program development between
12 counties within the same judicial district.

13 **"§ 143B-535. Funding for programs.**

14 (a) Annually, the Department shall develop and implement a funding mechanism
15 for programs that meet the standards as developed under the provisions of this Part. The
16 Department shall ensure that the guidelines for the State and local partnership's funding
17 process include the following requirements:

- 18 (1) Fund effective programs. – The Department shall fund programs that it
19 determines to be effective in preventing delinquency and recidivism.
20 Programs that have proven to be ineffective shall not be funded;
21 (2) Use a formula for the distribution of funds. – A funding formula shall be
22 developed that ensures that even the smallest counties will be able to
23 provide the basic prevention and alternatives services to juveniles in
24 their communities;
25 (3) Allow and encourage local flexibility. – A vital component of the State
26 and local partnership established by this section is local flexibility to
27 determine how best to allocate prevention and alternatives funds; and
28 (4) Combine resources. – Counties shall be allowed and encouraged to
29 combine resources and services.

30 (b) The Department shall adopt rules to implement this section, and the
31 Department shall provide technical assistance to Juvenile Crime Prevention Councils and
32 shall ensure that the Juvenile Crime Prevention Councils evaluate all State-funded
33 programs and services on an ongoing and regular basis.

34 **"PART 7. STATE ADVISORY COUNCIL ON JUVENILE JUSTICE**
35 **AND DELINQUENCY PREVENTION.**

36 **"§ 143B-536. Creation of Council; purpose; members; duties.**

37 (a) There is created the State Advisory Council on Juvenile Justice and
38 Delinquency Prevention. The Council shall be located within the Department of Juvenile
39 Justice and Delinquency Prevention for organizational, budgetary, and administrative
40 purposes.

41 (b) The purpose of the Council is to review and advise the Department in the
42 development of a comprehensive interagency plan to reduce juvenile delinquency and
43 substance abuse and to coordinate efforts among State agencies providing services and

1 supervision to juveniles who are at risk of delinquency and for juveniles who have been
2 adjudicated of delinquent and undisciplined behavior.

3 (c) The Council shall consist of 20 members as follows:

4 (1) Five persons appointed by the Governor, one of whom is a private
5 citizen who has demonstrated an interest in and commitment to juvenile
6 justice issues.

7 (2) Four persons appointed by the Chief Justice of the Supreme Court.

8 (3) The following persons, or their designees, ex officio:

9 a. The Governor.

10 b. The Chief Justice of the Supreme Court.

11 c. The President Pro Tempore of the Senate.

12 d. The Speaker of the House of Representatives.

13 e. The Director of the Administrative Office of the Courts.

14 f. The Superintendent of Public Instruction.

15 g. The Secretary of the Department of Administration.

16 h. The Secretary of the Department of Health and Human Services.

17 i. The Secretary of the Department of Correction.

18 j. The Secretary of the Department of Crime Control and Public
19 Safety.

20 k. The President of The University of North Carolina.

21 (d) Initial members, other than ex officio members, which were appointed
22 pursuant to former G.S. 147-33.70 and whose terms began January 1, 1999, shall serve
23 for terms as follows:

24 (1) Three members appointed by the Governor shall serve for terms of two
25 years and two members for terms of three years.

26 (2) Two members appointed by the Chief Justice of the Supreme Court
27 shall serve for terms of two years and two members for terms of three
28 years.

29 Thereafter, members, other than ex officio members, shall serve for two-year terms.
30 There is no prohibition against initial members being reappointed.

31 (e) The Governor and Chief Justice of the Supreme Court shall serve as cochairs
32 of the Council.

33 (f) A vacancy on the Council resulting from the resignation of a member or
34 otherwise shall be filled in the same manner in which the original appointment was made,
35 and the term shall be for the balance of the unexpired term.

36 (g) The Council members shall receive no salary as a result of serving on the
37 Council but shall receive per diem, subsistence, and travel expenses in accordance with
38 the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

39 (h) Members may be removed in accordance with G.S. 143B-13 as if that section
40 applied to this Article.

41 (i) The chair shall convene the Council. Meetings shall be held as often as
42 necessary but not less than four times a year.

1 (j) A majority of the members of the Council shall constitute a quorum for the
2 transaction of business. The affirmative vote of a majority of the members present at
3 meetings of the Council shall be necessary for action to be taken by the Council.

4 **"§ 143B-537. Powers and duties of the Council.**

5 The Council shall have the following powers and duties:

- 6 (1) Advise the Department in the review of the State's juvenile justice
7 planning, the development of the community juvenile justice councils,
8 and the development of a formula for the distribution of funds to
9 Juvenile Crime Prevention Councils.
- 10 (2) Advise all State agencies serving juveniles for the purpose of
11 developing a consistent philosophy with regard to providing services to
12 juveniles and promoting collaboration and the efficient and effective
13 delivery of services to juveniles and families through State, local, and
14 district programs and fully address problems of collaboration across
15 State agencies with the goal of serving juveniles.
- 16 (3) Review and comment on juvenile justice, delinquency prevention, and
17 juvenile services grant applications prepared for submission under any
18 federal grant program by any governmental entity of the State.
- 19 (4) Review the juvenile justice system's operation and prioritization of
20 funding needs.
- 21 (5) Review the progress and accomplishment of State and local juvenile
22 justice, delinquency prevention, and juvenile services projects.
- 23 (6) Develop recommendations concerning the establishment of priorities
24 and needed improvements with respect to juvenile justice, delinquency
25 prevention, and juvenile services and report its recommendations to the
26 General Assembly on or before March 1 each year.
- 27 (7) Review and comment on the proposed budget for the Department."

28 **PART II. REVISIONS TO THE JUVENILE CODE.**

29 Section 2. G.S. 7B-1501 reads as rewritten:

30 **"§ 7B-1501. Definitions.**

31 In this Subchapter, unless the context clearly requires otherwise, the following words
32 have the listed meanings:

- 33 (1) Chief court counselor. – The person responsible for administration and
34 supervision of juvenile intake, probation, and post-release supervision in
35 each judicial district, operating under the supervision of the ~~Office of~~
36 ~~Juvenile Justice.~~—Department of Juvenile Justice and Delinquency
37 Prevention.
- 38 (2) Clerk. – Any clerk of superior court, acting clerk, or assistant or deputy
39 clerk.
- 40 (3) Community-based program. – A program providing nonresidential or
41 residential treatment to a juvenile under the jurisdiction of the juvenile
42 court in the community where the juvenile's family lives. A community-

- 1 based program may include specialized foster care, family counseling,
2 shelter care, and other appropriate treatment.
- 3 (4) Court. – The district court division of the General Court of Justice.
- 4 (5) Court counselor. – A person responsible for probation and post-release
5 supervision to juveniles under the supervision of the chief court
6 counselor.
- 7 (6) Custodian. – The person or agency that has been awarded legal custody
8 of a juvenile by a court.
- 9 (7) Delinquent juvenile. – Any juvenile who, while less than 16 years of
10 age but at least 6 years of age, commits a crime or infraction under State
11 law or under an ordinance of local government, including violation of
12 the motor vehicle laws.
- 13 (7a) Department. – The North Carolina Department of Juvenile Justice and
14 Delinquency Prevention created pursuant to Article 12 of Chapter 143B
15 of the General Statutes.
- 16 (8) Detention. – The secure confinement of a juvenile pursuant to a court
17 order.
- 18 (9) Detention facility. – A facility approved to provide secure confinement
19 and care for juveniles. Detention facilities include both State and locally
20 administered detention homes, centers, and facilities.
- 21 (10) District. – Any district court district as established by G.S. 7A-133.
- 22 (11) Holdover facility. – A place in a jail which has been approved by the
23 Department of Health and Human Services as meeting the State
24 standards for detention as required in G.S. 153A-221 providing close
25 supervision where the juvenile cannot converse with, see, or be seen by
26 the adult population.
- 27 (12) House arrest. – A requirement that the juvenile remain at the juvenile's
28 residence unless the court or the juvenile court counselor authorizes the
29 juvenile to leave for specific purposes.
- 30 (13) Intake counselor. – A person who screens and evaluates a complaint
31 alleging that a juvenile is delinquent or undisciplined to determine
32 whether the complaint should be filed as a petition.
- 33 (14) Interstate Compact on Juveniles. – An agreement ratified by 50 states
34 and the District of Columbia providing a formal means of returning a
35 juvenile, who is an absconder, escapee, or runaway, to the juvenile's
36 home state, and codified in Article 28 of this Chapter.
- 37 (15) Judge. – Any district court judge.
- 38 (16) Judicial district. – Any district court district as established by G.S. 7A-
39 133.
- 40 (17) Juvenile. – Except as provided in subdivisions (7) and (27) of this
41 section, any person who has not reached the person's eighteenth
42 birthday and is not married, emancipated, or a member of the armed
43 forces of the United States. Wherever the term "juvenile" is used with

- 1 reference to rights and privileges, that term encompasses the attorney
2 for the juvenile as well.
- 3 (18) Juvenile court. – Any district court exercising jurisdiction pursuant to
4 this Chapter.
- 5 ~~(19) Office.—The Office of Juvenile Justice.~~
- 6 (20) Petitioner. – The individual who initiates court action by the filing of a
7 petition or a motion for review alleging the matter for adjudication.
- 8 (21) Post-release supervision. – The supervision of a juvenile who has been
9 returned to the community after having been committed to the ~~Office~~
10 Department for placement in a training school.
- 11 (22) Probation. – The status of a juvenile who has been adjudicated
12 delinquent, is subject to specified conditions under the supervision of a
13 court counselor, and may be returned to the court for violation of those
14 conditions during the period of probation.
- 15 (23) Prosecutor. – The district attorney or assistant district attorney assigned
16 by the district attorney to juvenile proceedings.
- 17 (24) Protective supervision. – The status of a juvenile who has been
18 adjudicated undisciplined and is under the supervision of a court
19 counselor.
- 20 (25) Teen court program. – A community resource for the diversion of cases
21 in which a juvenile has allegedly committed certain offenses for hearing
22 by a jury of the juvenile's peers, which may assign the juvenile to
23 counseling, restitution, curfews, community service, or other
24 rehabilitative measures.
- 25 (26) Training school. – A secure residential facility authorized to provide
26 long-term treatment, education, and rehabilitative services for
27 delinquent juveniles committed by the court to the ~~Office of Juvenile~~
28 Justice-Department.
- 29 (27) Undisciplined juvenile. –
30 a. A juvenile who, while less than 16 years of age but at least 6
31 years of age, is unlawfully absent from school; or is regularly
32 disobedient to and beyond the disciplinary control of the
33 juvenile's parent, guardian, or custodian; or is regularly found in
34 places where it is unlawful for a juvenile to be; or has run away
35 from home for a period of more than 24 hours; or
36 b. A juvenile who is 16 or 17 years of age and who is regularly
37 disobedient to and beyond the disciplinary control of the
38 juvenile's parent, guardian, or custodian; or is regularly found in
39 places where it is unlawful for a juvenile to be; or has run away
40 from home for a period of more than 24 hours.
- 41 (28) Wilderness program. – A rehabilitative residential treatment program in
42 a rural or outdoor setting.

43 The singular includes the plural, unless otherwise specified."

1 Section 3. The Revisor of Statutes shall substitute the term "Department of
2 Juvenile Justice and Delinquency Prevention" for the term "Office of Juvenile
3 Justice" everywhere that term appears in the General Statutes, except for those sections of
4 the General Statutes amended in this act. Except where the statutes specifically reference
5 the Administrative Office of the Courts or the Office of Guardian ad Litem Services, the
6 Revisor of Statutes shall substitute the term "Department" for the term
7 "Office" everywhere that term appears in Subchapters II and III of Chapter 7B of the
8 General Statutes.

9 **PART III. CONFORMING CHANGES TO THE GENERAL STATUTES.**

10 Section 4.(a) G.S. 7A-302 reads as rewritten:

11 **"§ 7A-302. Counties and municipalities responsible for physical facilities.**

12 In each county in which a district court has been established, courtrooms, office space
13 for juvenile court counselors and support staff as assigned by the ~~Office of Juvenile Justice,~~
14 Department of Juvenile Justice and Delinquency Prevention, and related judicial facilities
15 (including furniture), as defined in this Subchapter, shall be provided by the county,
16 except that courtrooms and related judicial facilities may, with the approval of the
17 Administrative Officer of the Courts, after consultation with county and municipal
18 authorities, be provided by a municipality in the county. To assist a county or
19 municipality in meeting the expense of providing courtrooms and related judicial
20 facilities, a part of the costs of court, known as the "facilities fee," collected for the State
21 by the clerk of superior court, shall be remitted to the county or municipality providing
22 the facilities."

23 Section 4.(b) G.S. 7A-343.1 reads as rewritten:

24 **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

25 The Administrative Officer of the Courts shall, at the State's expense distribute such
26 number of copies of the appellate division reports to federal, State departments and
27 agencies, and to educational institutions of instruction, as follows:

29	Governor, Office of the	1
30	Lieutenant Governor, Office of the	1
31	Secretary of State, Department of the	2
32	State Auditor, Department of the	1
33	Treasurer, Department of the State	1
34	Superintendent of Public Instruction	1
35	Office of the Attorney General	11
36	State Bureau of Investigation	1
37	Agriculture and Consumer Services, Department of	1
38	Labor, Department of	1
39	Insurance, Department of	1
40	Budget Bureau, Department of Administration	1
41	Property Control, Department of Administration	1
42	State Planning, Department of Administration	1
43	Environment and Natural Resources, Department of	1

1	Revenue, Department of	1
2	Health and Human Services, Department of	1
3	Juvenile Justice, Office of	
4	<u>Juvenile Justice and Delinquency Prevention,</u>	
5	<u>Department of</u>	1
6	Commission for the Blind	1
7	Transportation, Department of	1
8	Motor Vehicles, Division of	1
9	Utilities Commission	8
10	Industrial Commission	11
11	State Personnel Commission	1
12	Office of State Personnel	1
13	Office of Administrative Hearings	2
14	Community Colleges, Department of	38
15	Employment Security Commission	1
16	Commission of Correction	1
17	Parole Commission	1
18	Archives and History, Division of	1
19	Crime Control and Public Safety, Department of	2
20	Cultural Resources, Department of	3
21	Legislative Building Library	2
22	Justices of the Supreme Court	1 ea.
23	Judges of the Court of Appeals	1 ea.
24	Judges of the Superior Court	1 ea.
25	Clerks of the Superior Court	1 ea.
26	District Attorneys	1 ea.
27	Emergency and Special Judges of the Superior Court	1 ea.
28	Supreme Court Library	AS MANY AS REQUESTED
29	Appellate Division Reporter	1
30	University of North Carolina, Chapel Hill	71
31	University of North Carolina, Charlotte	1
32	University of North Carolina, Greensboro	1
33	University of North Carolina, Asheville	1
34	North Carolina State University, Raleigh	1
35	Appalachian State University	1
36	East Carolina University	1
37	Fayetteville State University	1
38	North Carolina Central University	17
39	Western Carolina University	1
40	Duke University	17
41	Davidson College	2
42	Wake Forest University	25
43	Lenoir Rhyne College	1

1	Elon College	1
2	Campbell University	25
3	Federal, Out-of-State and Foreign Secretary of State	1
4	Secretary of Defense	1
5	Secretary of Health, Education and Welfare	1
6	Secretary of Housing and Urban Development	1
7	Secretary of Transportation	1
8	Attorney General	1
9	Department of Justice	1
10	Internal Revenue Service	1
11	Veterans' Administration	1
12	Library of Congress	5
13	Federal Judges resident in North Carolina	1 ea.
14	Marshal of the United States Supreme Court	1
15	Federal District Attorneys resident in North Carolina	1 ea.
16	Federal Clerks of Court resident in North Carolina	1 ea.
17	Supreme Court Library exchange list	1

18 Each justice of the Supreme Court and judge of the Court of Appeals shall receive for
 19 private use, one complete and up-to-date set of the appellate division reports. The copies
 20 of reports furnished each justice or judge as set out in the table above may be retained
 21 personally to enable the justice or judge to keep up-to-date the personal set of reports."

22 Section 4.(c) G.S. 14-316.1 reads as rewritten:

23 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

24 Any person who is at least 16 years old who knowingly or willfully causes,
 25 encourages, or aids any juvenile within the jurisdiction of the court to be in a place or
 26 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,
 27 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be
 28 guilty of a Class 1 misdemeanor.

29 It is not necessary for the district court exercising juvenile jurisdiction to make an
 30 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order
 31 to prosecute a parent or any person, including an employee of the ~~Office of Juvenile Justice~~
 32 Department of Juvenile Justice and Delinquency Prevention under this section. An
 33 adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not
 34 preclude a subsequent prosecution of a parent or any other person including an employee
 35 of the ~~Office of Juvenile Justice, Department of Juvenile Justice and Delinquency~~
 36 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected
 37 condition of any juvenile."

38 Section 4.(d) G.S. 17C-3(a) reads as rewritten:

39 "(a) There is established the North Carolina Criminal Justice Education and
 40 Training Standards Commission, hereinafter called "the Commission," in the Department
 41 of Justice. The Commission shall be composed of 26 members as follows:

- 1 (1) Police Chiefs. – Three police chiefs selected by the North Carolina
2 Association of Chiefs of Police and one police chief appointed by the
3 Governor.
- 4 (2) Police Officers. – Three police officials appointed by the North Carolina
5 Police Executives Association and two criminal justice officers certified
6 by the Commission as selected by the North Carolina Law-Enforcement
7 Officers' Association.
- 8 (3) Departments. – The Attorney General of the State of North Carolina; the
9 Secretary of the Department of Crime Control and Public Safety; the
10 Secretary of the Department of Correction; the President of the
11 Department of Community Colleges.
- 12 (3a) A representative of the ~~Office of Juvenile Justice~~ Department of Juvenile
13 Justice and Delinquency Prevention.
- 14 (4) At-large Groups. – One individual representing and appointed by each
15 of the following organizations: one mayor selected by the League of
16 Municipalities; one law-enforcement training officer selected by the
17 North Carolina Law-Enforcement Training Officers' Association; one
18 criminal justice professional selected by the North Carolina Criminal
19 Justice Association; one sworn law-enforcement officer selected by the
20 North State Law-Enforcement Officers' Association; one member
21 selected by the North Carolina Law-Enforcement Women's Association;
22 and one District Attorney selected by the North Carolina Association of
23 District Attorneys.
- 24 (5) Citizens and Others. – The President of The University of North
25 Carolina; the Director of the Institute of Government; and two citizens,
26 one of whom shall be selected by the Governor and one of whom shall
27 be selected by the Attorney General. The General Assembly shall
28 appoint two persons, one upon the recommendation of the Speaker of
29 the House of Representatives and one upon the recommendation of the
30 President Pro Tempore of the Senate. Appointments by the General
31 Assembly shall be made in accordance with G.S. 120-122.
32 Appointments by the General Assembly shall serve two-year terms to
33 conclude on June 30th in odd-numbered years."

34 Section 4.(e) G.S. 20-79.5(a) reads as rewritten:

35 "(a) Plates. – The State government officials listed in this section are eligible for a
36 special registration plate under G.S. 20-79.4. The plate shall bear the number designated
37 in the following table for the position held by the official.

38	39 Position	40 Number on Plate
41	Governor	1
42	Lieutenant Governor	2
43	Speaker of the House of Representative	3
	President Pro Tempore of the Senate	4

1	Secretary of State	5
2	State Auditor	6
3	State Treasurer	7
4	Superintendent of Public Instruction	8
5	Attorney General	9
6	Commissioner of Agriculture	10
7	Commissioner of Labor	11
8	Commissioner of Insurance	12
9	Speaker Pro Tempore of the House	13
10	Legislative Services Officer	14
11	Secretary of Administration	15
12	Secretary of Environment and Natural Resources	16
13	Secretary of Revenue	17
14	Secretary of Health and Human Services	18
15	Secretary of Commerce	19
16	Secretary of Correction	20
17	Secretary of Cultural Resources	21
18	Secretary of Crime Control and Public Safety	22
19	<u>Secretary of Juvenile Justice and</u>	
20	<u>Delinquency Prevention</u>	<u>23</u>
21	Governor's Staff	23-29
22		<u>24-29</u>
23	State Budget Officer	30
24	State Personnel Director	31
25	Advisory Budget Commission Nonlegislative Member	32-41
26	Chair of the State Board of Education	42
27	President of the U.N.C. System	43
28	Alcoholic Beverage Control Commission	44-46
29	Assistant Commissioners of Agriculture	47-48
30	Deputy Secretary of State	49
31	Deputy State Treasurer	50
32	Assistant State Treasurer	51
33	Deputy Commissioner for the Department of Labor	52
34	Chief Deputy for the Department of Insurance	53
35	Assistant Commissioner of Insurance	54
36	Deputies and Assistant to the Attorney General	55-65
37	Board of Economic Development Nonlegislative Member	66-88
38	State Ports Authority Nonlegislative Member	89-96
39	Utilities Commission Member	97-104
40	Post-Release Supervision and	
41	Parole Commission Member	105-109
42	State Board Member, Commission Member,	
43	or State Employee Not Named in List	110-200".

- 1 Section 4.(f) G.S. 66-58(b) reads as rewritten:
2 "(b) The provisions of subsection (a) of this section shall not apply to:
3 (1) Counties and municipalities.
4 (2) The Department of Health and Human Services or the Department of
5 Agriculture and Consumer Services for the sale of serums, vaccines, and
6 other like products.
7 (3) The Department of Administration, except that the agency shall not
8 exceed the authority granted in the act creating the agency.
9 (4) The State hospitals for the mentally ill.
10 (5) The Department of Health and Human Services.
11 (6) The North Carolina School for the Blind at Raleigh.
12 (6a) ~~The Office of Juvenile Justice.~~ Department of Juvenile Justice and
13 Delinquency Prevention.
14 (7) The North Carolina Schools for the Deaf.
15 (8) The Greater University of North Carolina with regard to its utilities and
16 other services now operated by it nor to the sale of articles produced
17 incident to the operation of instructional departments, articles incident
18 to educational research, articles of merchandise incident to classroom
19 work, meals, books, or to articles of merchandise not exceeding twenty-
20 five cents (25¢) in value when sold to members of the educational staff
21 or staff auxiliary to education or to duly enrolled students or
22 occasionally to immediate members of the families of members of the
23 educational staff or of duly enrolled students nor to the sale of meals or
24 merchandise to persons attending meetings or conventions as invited
25 guests nor to the operation by the University of North Carolina of an inn
26 or hotel and dining and other facilities usually connected with a hotel or
27 inn, nor to the hospital and Medical School of the University of North
28 Carolina, nor to the Coliseum of North Carolina State University at
29 Raleigh, and the other schools and colleges for higher education
30 maintained or supported by the State, nor to the Centennial Campus of
31 North Carolina State University at Raleigh, nor to the Horace Williams
32 Campus of the University of North Carolina at Chapel Hill, nor to the
33 comprehensive student health services or the comprehensive student
34 infirmaries maintained by the constituent institutions of the University
35 of North Carolina.
36 (9) The Department of Environment and Natural Resources, except that the
37 Department shall not construct, maintain, operate or lease a hotel or
38 tourist inn in any park over which it has jurisdiction. The North
39 Carolina Wildlife Resources Commission may sell wildlife memorabilia
40 as a service to members of the public interested in wildlife conservation.
41 (10) Child-caring institutions or orphanages receiving State aid.
42 (11) Highlands School in Macon County.
43 (12) The North Carolina State Fair.

- 1 (13) Rural electric memberships corporations.
2 (13a) State Farm Operations Commission.
3 (13b) The Department of Agriculture and Consumer Services with regard to
4 its lessees at farmers' markets operated by the Department.
5 (13c) The Western North Carolina Agricultural Center.
6 (13d) Agricultural centers or livestock facilities operated by the Department of
7 Agriculture and Consumer Services.
8 (14) Nothing herein contained shall be construed to prohibit the engagement
9 in any of the activities described in subsection (a) hereof by a firm,
10 corporation or person who or which is a lessee of space only of the State
11 of North Carolina or any of its departments or agencies; provided the
12 leases shall be awarded by the Department of Administration to the
13 highest bidder, as provided by law in the case of State contracts and
14 which lease shall be for a term of not less than one year and not more
15 than five years.
16 (15) The State Department of Correction is authorized to purchase and install
17 automobile license tag plant equipment for the purpose of
18 manufacturing license tags for the State and local governments and for
19 such other purposes as the Department may direct.
20 The Commissioner of Motor Vehicles, or such other authority as may
21 exercise the authority to purchase automobile license tags is hereby
22 directed to purchase from, and to contract with, the State Department of
23 Correction for the State automobile license tag requirements from year
24 to year.
25 The price to be paid to the State Department of Correction for the
26 tags shall be fixed and agreed upon by the Governor, the State
27 Department of Correction, and the Motor Vehicle Commissioner, or
28 such authority as may be authorized to purchase the supplies.
29 (16) Laundry services performed by the Department of Correction may be
30 provided only for agencies and instrumentalities of the State which are
31 supported by State funds and for county or municipally controlled and
32 supported hospitals presently being served by the Department of
33 Correction, or for which services have been contracted or applied for in
34 writing, as of May 22, 1973. In addition to the prior sentence, laundry
35 services performed by the Department of Correction may be provided
36 for the Governor Morehead School and the North Carolina School for
37 the Deaf.
38 The services shall be limited to wet-washing, drying and ironing of
39 flatwear or flat goods such as towels, sheets and bedding, linens and
40 those uniforms prescribed for wear by the institutions and further
41 limited to only flat goods or apparel owned, distributed or controlled
42 entirely by the institutions and shall not include processing by any dry-
43 cleaning methods; provided, however, those garments and items

1 presently being serviced by wet-washing, drying and ironing may in the
2 future, at the election of the Department of Correction, be processed by
3 a dry-cleaning method.

4 (17) The North Carolina Global TransPark Authority or a lessee of the
5 Authority.

6 (18) The activities and products of private enterprise carried on or
7 manufactured within a State prison facility pursuant to G.S. 148-70.

8 (19) The North Carolina Justice Academy.

9 (20) The Department of Transportation, or any nonprofit lessee of the
10 Department, for the sale of books, crafts, gifts, and other tourism-related
11 items at visitor centers owned by the Department."

12 Section 4.(g) G.S. 66-58(c)(7) reads as rewritten:

13 "(7) The operation by penal, correctional or facilities operated by the
14 Department of Health and Human Services, the ~~Office of Juvenile Justice,~~
15 Department of Juvenile Justice and Delinquency Prevention, or by the
16 Department of Agriculture and Consumer Services, of dining rooms for
17 the inmates or clients or members of the staff while on duty and for the
18 accommodation of persons visiting the inmates or clients, and other
19 bona fide visitors."

20 Section 4.(h) G.S. 114-19.6 reads as rewritten:

21 "**§ 114-19.6. Criminal history record checks of employees of and applicants for**
22 **employment with the Department of Health and Human Services, and the**
23 **~~Office of Juvenile Justice.~~ Department of Juvenile Justice and Delinquency**
24 **Prevention.**

25 (a) Definitions. – As used in this section, the term:

26 (1) "Covered person" means:

27 a. An applicant for employment or a current employee in a position
28 in the Department of Health and Human Services or the ~~Office of~~
29 ~~Juvenile Justice~~ Department of Juvenile Justice and Delinquency
30 Prevention who provides direct care for a client, patient, student,
31 resident or ward of the Department; or

32 b. Supervises positions providing direct care as outlined in sub-
33 subdivision a. of this subdivision.

34 (2) "Criminal history" means a State or federal history of conviction of a
35 crime, whether a misdemeanor or felony, that bears upon a covered
36 person's fitness for employment in the Department of Health and
37 Human Services or the ~~Office of Juvenile Justice.~~ Department of Juvenile
38 Justice and Delinquency Prevention. The crimes include, but are not
39 limited to, criminal offenses as set forth in any of the following Articles
40 of Chapter 14 of the General Statutes: Article 5, Counterfeiting and
41 Issuing Monetary Substitutes; Article 5A, Endangering Executive and
42 Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other
43 Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and

1 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive
2 or Incendiary Device or Material; Article 14, Burglary and Other
3 Housebreakings; Article 15, Arson and Other Burnings; Article 16,
4 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19,
5 False Pretenses and Cheats; Article 19A, Obtaining Property or Services
6 by False or Fraudulent Use of Credit Device or Other Means; Article
7 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article
8 21, Forgery; Article 26, Offenses Against Public Morality and Decency;
9 Article 26A, Adult Establishments; Article 27, Prostitution; Article 28,
10 Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office;
11 Article 35, Offenses Against the Public Peace; Article 36A, Riots and
12 Civil Disorders; Article 39, Protection of Minors; Article 40, Protection
13 of the Family; Article 59, Public Intoxication; and Article 60,
14 Computer-Related Crime. The crimes also include possession or sale of
15 drugs in violation of the North Carolina Controlled Substances Act,
16 Article 5 of Chapter 90 of the General Statutes, and alcohol-related
17 offenses such as sale to underage persons in violation of G.S. 18B-302,
18 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-
19 138.5.

20 (b) When requested by the Department of Health and Human Services or the
21 ~~Office of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention~~, the
22 North Carolina Department of Justice may provide to the ~~Department or Office requesting~~
23 department a covered person's criminal history from the State Repository of Criminal
24 Histories. Such requests shall not be due to a person's age, sex, race, color, national
25 origin, religion, creed, political affiliation, or handicapping condition as defined by G.S.
26 168A-3. For requests for a State criminal history record check only, the ~~Department or~~
27 ~~Office requesting department~~ shall provide to the Department of Justice a form consenting
28 to the check signed by the covered person to be checked and any additional information
29 required by the Department of Justice. National criminal record checks are authorized for
30 covered applicants who have not resided in the State of North Carolina during the past
31 five years. For national checks the ~~Department or Office of Health and Human Services or~~
32 ~~the Department of Juvenile Justice and Delinquency Prevention~~ shall provide to the North
33 Carolina Department of Justice the fingerprints of the covered person to be checked, any
34 additional information required by the Department of Justice, and a form signed by the
35 covered person to be checked consenting to the check of the criminal record and to the
36 use of fingerprints and other identifying information required by the State or National
37 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of
38 Investigation for a search of the State criminal history record file and the State Bureau of
39 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for
40 a national criminal history record check. The Department of Health and Human Services
41 and the ~~Office of Juvenile Justice, Department of Juvenile Justice and Delinquency~~
42 Prevention shall keep all information pursuant to this section confidential. The

1 Department of Justice shall charge a reasonable fee for conducting the checks of the
2 criminal history records authorized by this section.

3 (c) All releases of criminal history information to the Department of Health and
4 Human Services or the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and
5 Delinquency Prevention shall be subject to, and in compliance with, rules governing the
6 dissemination of criminal history record checks as adopted by the North Carolina
7 Division of Criminal Information. All of the information ~~the Department or Office~~ either
8 department receives through the checking of the criminal history is privileged
9 information and for the exclusive use of ~~the Department or Office~~ that department.

10 (d) If the covered person's verified criminal history record check reveals one or
11 more convictions covered under subsection (a) of this section, then the conviction shall
12 constitute just cause for not selecting the person for employment, or for dismissing the
13 person from current employment with the Department of Health and Human Services or
14 the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention.
15 The conviction shall not automatically prohibit employment; however, the following
16 factors shall be considered by the Department ~~or Office~~ of Health and Human Services or
17 the Department of Juvenile Justice and Delinquency Prevention in determining whether
18 employment shall be denied:

- 19 (1) The level and seriousness of the crime;
- 20 (2) The date of the crime;
- 21 (3) The age of the person at the time of the conviction;
- 22 (4) The circumstances surrounding the commission of the crime, if known;
- 23 (5) The nexus between the criminal conduct of the person and job duties of
24 the person;
- 25 (6) The prison, jail, probation, parole, rehabilitation, and employment
26 records of the person since the date the crime was committed; and
- 27 (7) The subsequent commission by the person of a crime listed in
28 subsection (a) of this section.

29 (e) The Department of Health and Human Services and the ~~Office of Juvenile~~
30 ~~Justice~~ Department of Juvenile Justice and Delinquency Prevention may deny
31 employment to or dismiss a covered person who refuses to consent to a criminal history
32 record check or use of fingerprints or other identifying information required by the State
33 or National Repositories of Criminal Histories. Any such refusal shall constitute just
34 cause for the employment denial or the dismissal from employment.

35 (f) The Department of Health and Human Services and the ~~Office of Juvenile~~
36 ~~Justice~~ Department of Juvenile Justice and Delinquency Prevention may extend a
37 conditional offer of employment pending the results of a criminal history record check
38 authorized by this section."

39 Section 4.(i) G.S. 114-21(b) reads as rewritten:

40 "(b) The ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency
41 Prevention shall ensure that all juvenile court counselors and other Division personnel
42 receive the minority sensitivity training specified in subsection (a) of this section."

43 Section 4.(j) G.S. 115C-110 reads as rewritten:

1 **"§ 115C-110. Services mandatory; single-agency responsibility; State and local**
2 **plans; census and registration.**

3 (a) The Board shall cause to be provided by all local school administrative units
4 and by all other State and local governmental agencies providing special education
5 services or having children with special needs in their care, custody, management,
6 jurisdiction, control, or programs, special education and related services appropriate to all
7 children with special needs. In this regard, all local school administrative units and all
8 other State and local governmental agencies providing special education and related
9 services shall explore available local resources and determine whether the services are
10 currently being offered by an existing public or private agency.

11 When a specified special education or related service is being offered by a local
12 public or private resource, any unit or agency described above shall negotiate for the
13 purchase of that service or shall present full consideration of alternatives and its
14 recommendations to the Board. In this regard, a new or additional program for special
15 education or related services shall be developed with the approval of the Board only
16 when that service is not being provided by existing public or private resources or the
17 service cannot be purchased from existing providers. Further, the Board shall support and
18 encourage joint and collaborative special education planning and programming at local
19 levels to include local administrative units and the programs and agencies of the
20 Departments of Health and Human Services and Correction and the Office of Juvenile Justice.
21 Services, Correction, and Juvenile Justice and Delinquency Prevention.

22 The jurisdiction of the Board with respect to the design and content of special
23 education programs or related services for children with special needs extends to and
24 over the Department of Health and Human Services, the Office of Juvenile Justice,
25 Department of Juvenile Justice and Delinquency Prevention, and the Department of
26 Correction.

27 All provisions of this Article that are specifically applicable to local school
28 administrative units also are applicable to the Department of Health and Human Services,
29 the Office of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention,
30 and the Department of Correction and their divisions and agencies; all duties,
31 responsibilities, rights and privileges specifically imposed on or granted to local school
32 administrative units by this Article also are imposed on or granted to the Department of
33 Health and Human Services, the Office of Juvenile Justice, Department of Juvenile Justice
34 and Delinquency Prevention, and the Department of Correction and their divisions and
35 agencies. However, with respect to children with special needs who are residents or
36 patients of any state-operated or state-supported residential treatment facility, including
37 without limitation, a school for the deaf, school for the blind, mental hospital or center,
38 mental retardation center, or in a facility operated by the Office of Juvenile Justice,
39 Department of Juvenile Justice and Delinquency Prevention, the Department of
40 Correction or any of its divisions and agencies, the Board shall have the power to contract
41 with the Department of Health and Human Services, the Office of Juvenile Justice,
42 Department of Juvenile Justice and Delinquency Prevention, and the Department of
43 Correction for the provision of special education and related services and the power to

1 review, revise and approve any plans for special education and related services to those
2 residents.

3 The Departments of Health and Human ~~Services and Correction and the Office of~~
4 ~~Juvenile Justice Services, Correction, and Juvenile Justice and Delinquency Prevention~~
5 shall submit to the Board their plans for the education of children with special needs in
6 their care, custody, or control. The Board shall have general supervision and shall set
7 standards, by rule or regulation, for the programs of special education to be administered
8 by it, by local educational agencies, and by the Departments of Health and Human
9 ~~Services and Correction and the Office of Juvenile Justice.~~ Services, Correction, and Juvenile
10 Justice and Delinquency Prevention. The Board may grant specific exemptions for
11 programs administered by the Department of Health and Human Services, the ~~Office of~~
12 ~~Juvenile Justice,~~ Department of Juvenile Justice and Delinquency Prevention, or the
13 Department of Correction when compliance by them with the Board's standards would, in
14 the Board's judgment, impose undue hardship on this Department ~~or Office~~ and when
15 other procedural due process requirements, substantially equivalent to those of G.S.
16 115C-116, are assured in programs of special education and related services furnished to
17 children with special needs served by this ~~Department or Office.~~ Department. Further, the
18 Board shall recognize that inpatient and residential special education programs within the
19 Departments of Health and Human ~~Services and Correction and the Office of Juvenile Justice~~
20 Services, Correction, and Juvenile Justice and Delinquency Prevention may require more
21 program resources than those necessary for optimal operation of these programs in local
22 school administrative units.

23 Every State and local department, division, unit or agency covered by this section is
24 hereinafter referred to as a "local educational agency" unless the text of this Article
25 otherwise provides.

26 (b) The Board shall make and keep current a plan for the implementation of the
27 policy set forth in G.S. 115C-106(b). The plan shall include:

- 28 (1) A census of the children with special needs in the State, as required by
29 subsection (j) of this section;
- 30 (2) A procedure for diagnosis and evaluation of each child;
- 31 (3) An inventory of the personnel and facilities available to provide special
32 education for these children;
- 33 (4) An analysis of the present distribution of responsibility for special
34 education between State and local educational agencies, together with
35 recommendations for any necessary or desirable changes in the
36 distribution of responsibilities;
- 37 (5) Standards for the education of children with special needs;
- 38 (6) Programs and procedures for the development and implementation of a
39 comprehensive system of personnel development; and
- 40 (7) Any additional matters, including recommendations for amendment of
41 laws, changes in administrative regulations, rules and practices and
42 patterns of special organization, and changes in levels and patterns of
43 education financial support.

1 (c) The Board shall annually submit amendments to or revisions of the plan
2 required by subsection (b) to the Governor and General Assembly and make it available
3 for public comment pursuant to subdivision (1) and for public distribution no less than 30
4 days before January 15 of each year. All such submissions shall set forth in detail the
5 progress made in the implementation of the plan.

6 (d) The Board shall adopt rules covering:

7 (1) The qualifications of and standards for certification of teachers, teacher
8 assistants, speech clinicians, school psychologists, and others involved
9 in the education and training of children with special needs;

10 (2) Minimum standards for the individualized educational program for all
11 children with special needs other than for the pregnant children, and for
12 the educational program for the pregnant children, who receive special
13 education and related services; and

14 (3) Any other rules as may be necessary or appropriate for carrying out the
15 purposes of this Article. Representatives from the Departments of
16 Health and Human Services and ~~Correction and the Office of Juvenile~~
17 ~~Justice Services, Correction, and Juvenile Justice and Delinquency~~
18 Prevention shall be involved in the development of the standards
19 outlined under this subsection.

20 (e) On or before October 15, each local educational agency shall report annually to
21 the Board the extent to which it is then providing special education for children with
22 special needs. The annual report also shall detail the means by which the local
23 educational agency proposes to secure full compliance with the policy of this Article,
24 including the following:

25 (1) A statement of the extent to which the required education and services
26 will be provided directly by the agency;

27 (2) A statement of the extent to which standards in force pursuant to G.S.
28 115C-110(b)(5) and (d)(2) are being met by the agency; and

29 (3) The means by which the agency will contract to provide, at levels
30 meeting standards in force pursuant to G.S. 115C-110(b)(5) and (d)(2),
31 all special education and related services not provided directly by it or
32 by the State.

33 (f) After submitting the report required by subsection (e), the local educational
34 agency also shall submit such supplemental and additional reports as the Board may
35 require to keep the local educational agency's plan current.

36 (g) By rule, the Board shall prescribe due dates not later than October 15 of each
37 year, and all other necessary or appropriate matters relating to these annual and
38 supplemental and additional reports.

39 (h) The annual report shall be a two-year plan for providing appropriate special
40 education and related services to children with special needs. The agency shall submit the
41 plan to the Board for its review, approval, modification, or disapproval. Unless thereafter
42 modified with approval of the Board, the plan shall be adhered to by the local educational
43 agency. The procedure for approving, disapproving, establishing, and enforcing the plan

1 shall be the same as that set forth for the annual plan. The long-range plan shall include
2 such provisions as may be appropriate for the following, without limitation:

3 (1) Establishment of classes, other programs of instruction, curricula,
4 facilities, equipment, and special services for children with special
5 needs; and

6 (2) Utilization and professional development of teachers and other
7 personnel working with children with special needs.

8 (i) Each local educational agency shall provide free appropriate special education
9 and related services in accordance with the provisions of this Article for all children with
10 special needs who are residents of, or whose parents or guardians are residents of, the
11 agency's district, beginning with children aged five. No matriculation or tuition fees or
12 other fees or charges shall be required or asked of children with special needs or their
13 parents or guardians except those fees or charges as are required uniformly of all public
14 school pupils. The provision of free appropriate special education within the facilities of
15 the Department of Health and Human Services and the ~~Office of Juvenile Justice~~
16 Department of Juvenile Justice and Delinquency Prevention shall not prevent that
17 Department and ~~Office~~ from charging for other services or treatment.

18 (j) The Board shall require an annual census of children with special needs,
19 subdivided for "identified" and "suspected" children with special needs, to be taken in
20 each school year. Suspected children are those in the formal process of being identified,
21 evaluated or diagnosed as children with special needs. The census shall be conducted
22 annually and shall be completed not later than October 15, and shall be submitted to the
23 Governor and General Assembly and be made available to the public no later than
24 January 15 annually.

25 In taking the census, the Board shall require the cooperation, participation, and
26 assistance of all local educational agencies and all other State and local governmental
27 departments and agencies providing or required to provide special education services to
28 children with special needs, and those departments and agencies shall cooperate and
29 participate with and assist the Board in conducting the census.

30 The census shall include the number of children identified and suspected with special
31 needs, their age, the nature of their disability, their county or city of residence, their local
32 school administrative unit residence, whether they are being provided special educational
33 or related services and if so by what department or agency, whether they are not being
34 provided special education or related services, the identity of each department or agency
35 having children with special needs in its care, custody, management, jurisdiction, control,
36 or programs, the number of children with special needs being served by each department
37 or agency, and such other information or data as the Board shall require. The census shall
38 be of children with special needs between the ages of three and 21, inclusive.

39 (k) The Department shall monitor the effectiveness of individualized education
40 programs in meeting the educational needs of all children with special needs other than
41 pregnant children, and of educational programs in meeting the educational needs of the
42 pregnant children.

1 (l) The Board shall provide for procedures assuring that in carrying out the
2 requirements of this Article procedures are established for consultation with individuals
3 involved in or concerned with the education of children with special needs, including
4 parents or guardians of such children, and there are public hearings, adequate notice of
5 such hearings, and an opportunity for comment available to the general public prior to the
6 adoption of the policies, procedures, and rules or regulations required by this Article.

7 (m) Children with special needs shall be educated in the least restrictive
8 appropriate setting, as defined by the State Board of Education."

9 Section 4.(k) G.S. 115C-111 reads as rewritten:

10 **"§ 115C-111. Free appropriate education for all children with special needs.**

11 No child with special needs between the ages specified by G.S. 115C-109 shall be
12 denied a free appropriate public education or be prevented from attending the public
13 schools of the local educational agency in which he or his parents or legal guardian
14 resides or from which he receives services or from attending any other public program of
15 free appropriate public education because he is a child with special needs. If it appears
16 that a child should receive a program of free appropriate public education in a program
17 operated by or under the supervision of the Department of Health and Human Services or
18 the ~~Office of Juvenile Justice~~, Department of Juvenile Justice and Delinquency Prevention,
19 the local educational agency shall confer with the appropriate Department of Health and
20 Human Services or ~~Office of Juvenile Justice~~ Department of Juvenile Justice and
21 Delinquency Prevention staff for their participation and determination of the
22 appropriateness of placement in said program and development of the child's
23 individualized education program. The individualized education program may then be
24 challenged under the due process provisions of G.S. 115C-116. Every child with special
25 needs shall be entitled to attend these nonresidential schools or programs and receive
26 from them free appropriate public education."

27 Section 4.(l) G.S. 115C-113(f) reads as rewritten:

28 "(f) Each local educational agency shall prepare individualized educational
29 programs for all children found to be children with special needs other than the pregnant
30 children, and educational programs prescribed in subsection (h) of this section for the
31 pregnant children. The individualized educational program shall be developed in
32 conformity with Public Law 94-142 and the implementing regulations issued by the
33 United States Department of Education and shall be implemented in conformity with
34 timeliness set by that Department. The term 'individualized educational program' means
35 a written statement for each such child developed in any meeting by a representative of
36 the local educational agency who shall be qualified to provide, or supervise the provision
37 of, specially designed instruction to meet the unique needs of such children, the teacher,
38 the parents or guardian of such child, and, whenever appropriate, such child, which
39 statement shall be based on rules developed by the Board. Each local educational agency
40 shall establish, or revise, whichever is appropriate, the individualized educational
41 program of each child with special needs each school year and will then review and, if
42 appropriate revise, its provisions periodically, but not less than annually. In the facilities
43 and programs of the Department of Health and Human Services and the ~~Office of Juvenile~~

1 ~~Justice, Department of Juvenile Justice and Delinquency Prevention,~~ the individualized
2 educational program shall be planned in collaboration with those other individuals
3 responsible for the design of the total treatment or habilitation plan or both; the resulting
4 educational, treatment, and habilitation plans shall be coordinated, integrated, and
5 internally consistent."

6 Section 4.(m) G.S. 115C-113.1 reads as rewritten:

7 **"§ 115C-113.1. Surrogate parents.**

8 In the case of a child whose parent or guardian is unknown, whose whereabouts
9 cannot be determined after reasonable investigation, or who is a ward of the State, the
10 local educational agency shall appoint a surrogate parent for the child. The surrogate
11 parent shall be appointed from a group of persons approved by the Superintendent of
12 Public Instruction, the Secretary of Health and Human Services, and the ~~Office of Juvenile~~
13 ~~Justice, Secretary of Juvenile Justice and Delinquency Prevention,~~ but in no case shall the
14 person appointed be an employee of the local educational agency or directly involved in
15 the education or care of the child. The Superintendent shall ensure that local educational
16 agencies appoint a surrogate parent for every child in need of a surrogate parent."

17 Section 4.(n) G.S. 115C-115 reads as rewritten:

18 **"§ 115C-115. Placements in private schools, out-of-state schools and schools in other
19 local educational agencies.**

20 The board shall adopt rules and regulations to assure that:

- 21 (1) There be no cost to the parents or guardian for the placement of a child
22 in a private school, out-of-state school or a school in another local
23 education agency if the child was so placed by the Board or by the
24 appropriate local educational agency as the means of carrying out the
25 requirement of this Article or any other applicable law requiring the
26 provision of special education and related services to children within the
27 State.
- 28 (2) No child shall be placed by the Board or by the local educational agency
29 in a private or out-of-state school unless the Board has determined that
30 the school meets standards that apply to State and local educational
31 agencies and that the child so placed will have all the rights he would
32 have if served by a State or local educational agency.
- 33 (3) If the placement of the child in a private school, out-of-state school or a
34 school in another local educational agency determined by the
35 Superintendent of Public Instruction to be the most cost-effective way to
36 provide an appropriate education to that child and the child is not
37 currently being educated by the Department of Health and Human
38 Services, the ~~Office of Juvenile Justice, Department of Juvenile Justice~~
39 ~~and Delinquency Prevention,~~ or the Department of Correction, the State
40 will bear a portion of the cost of the placement of the child. The local
41 school administrative unit shall pay an amount equal to what it receives
42 per pupil from the State Public School Fund and from other State and
43 federal funds for children with special needs for that child. The State

1 shall pay the full cost of any remainder up to a maximum of fifty
2 percent (50%) of the total cost."

3 Section 4.(o) G.S. 115C-121(b) reads as rewritten:

4 "(b) The Council shall consist of 23 members to be appointed as follows: five ex
5 officio members; two members appointed by the Governor; two members of the Senate
6 appointed by the President Pro Tempore; two members of the House of Representatives
7 appointed by the Speaker of the House; and 12 members appointed by the State Board of
8 Education. Of those members of the Council appointed by the State Board one member
9 shall be selected from each congressional district within the State, and the members so
10 selected shall be composed of at least one person representing each of the following:
11 handicapped individuals, parents or guardians of children with special needs, teachers of
12 children with special needs, and State and local education officials and administrators of
13 programs for children with special needs. The Council shall designate a chairperson from
14 among its members. The designation of the chairperson is subject to the approval of the
15 State Board of Education. The board shall promulgate rules or regulations to carry out
16 this subsection.

17 Ex officio members of the Council shall be the following:

- 18 (1) The Secretary of the Department of Health and Human Services or the
19 Secretary's designee;
- 20 (1a) A representative of the ~~Office of Juvenile Justice,~~ Department of Juvenile
21 Justice and Delinquency Prevention, appointed by the Governor;
- 22 (2) The Secretary of the Department of Correction or the Secretary's
23 designee;
- 24 (3) A representative from The University of North Carolina Planning
25 Consortium for Children with Special Needs; and
- 26 (4) The Superintendent of Public Instruction or the Superintendent's
27 designee.

28 The term of appointment for all members except those appointed by the State Board
29 of Education shall be for two years. The term for members appointed by the State Board
30 of Education shall be for four years. No person shall serve more than two consecutive
31 four-year terms. The initial term of office of the person appointed from the 12th
32 Congressional District shall commence on January 3, 1993, and expire on June 30, 1996.

33 Each Council member shall serve without pay, but shall receive travel allowances and
34 per diem in the same amount provided for members of the North Carolina General
35 Assembly."

36 Section 4.(p) G.S. 115C-139(a) reads as rewritten:

37 "(a) The Board, any two or more local educational agencies and any such agency
38 and any State department, agency, or division having responsibility for the education,
39 treatment or habilitation of children with special needs are authorized to enter into
40 interlocal cooperation undertakings pursuant to the provisions of Chapter 160A, Article
41 20, Part 1 of the General Statutes or into undertakings with a State agency such as the
42 ~~Office of Juvenile Justice or the Departments of Public Instruction, Health and Human~~
43 Services, Juvenile Justice and Delinquency Prevention, or Correction, or their divisions,

1 agencies, or units, for the purpose of providing for the special education and related
2 services, treatment or habilitation of such children within the jurisdiction of the agency or
3 unit, and shall do so when it itself is unable to provide the appropriate public special
4 education or related services for these children. In entering into such undertakings, the
5 local agency and State department, agency, or division shall also contract to provide the
6 special education or related services that are most educationally appropriate to the
7 children with special needs for whose benefit the undertaking is made, and provide these
8 services by or in the local agency unit or State department, agency, or division located in
9 the place most convenient to these children."

10 Section 4.(q) G.S. 115C-250(a) reads as rewritten:

11 "(a) The State Board of Education and local boards of education may expend public
12 funds for transportation of handicapped children with special needs who are unable
13 because of their handicap to ride the regular school buses and who have been placed in
14 programs by a local school board as a part of its duty to provide such children with a free
15 appropriate education, including its duty under G.S. 115C-115. At the option of the local
16 board of education with the concurrence of the State Board of Education, funds
17 appropriated to the State Board of Education for contract transportation of exceptional
18 children may be used to purchase buses and minibuses as well as for the purposes
19 authorized in the budget. The State Board of Education shall adopt rules and regulations
20 concerning the construction and equipment of these buses and minibuses.

21 ~~The Department~~ Departments of Health and Human Services, ~~the Office Juvenile Justice,~~
22 ~~and the Department of Juvenile Justice and Delinquency Prevention, and~~ Correction may
23 also expend public funds for transportation of handicapped children with special needs
24 who are unable because of their handicap to ride the regular school buses and who have
25 been placed in programs by one of these agencies as a part of that agency's duty to
26 provide such children with a free appropriate public education.

27 If a local area mental health center places a child with special needs in an educational
28 program, the local area mental health center shall pay for the transportation of the child,
29 if handicapped and unable because of the handicap to ride the regular school buses, to the
30 program."

31 Section 4.(r) G.S. 115C-325(p) reads as rewritten:

32 "(p) Section Applicable to Certain Institutions. – Notwithstanding any law or
33 regulation to the contrary, this section shall apply to all persons employed in teaching and
34 related educational classes in the schools and institutions of the Departments of Health
35 ~~and Human Services and Correction or the Office of Juvenile Justice~~ Services, Correction, or
36 Juvenile Justice and Delinquency Prevention regardless of the age of the students."

37 Section 4.(s) G.S. 115D-1 reads as rewritten:

38 **"§ 115D-1. Statement of purpose.**

39 The purposes of this Chapter are to provide for the establishment, organization, and
40 administration of a system of educational institutions throughout the State offering
41 courses of instruction in one or more of the general areas of two-year college parallel,
42 technical, vocational, and adult education programs, to serve as a legislative charter for
43 such institutions, and to authorize the levying of local taxes and the issuing of local bonds

1 for the support thereof. The major purpose of each and every institution operating under
2 the provisions of this Chapter shall be and shall continue to be the offering of vocational
3 and technical education and training, and of basic, high school level, academic education
4 needed in order to profit from vocational and technical education, for students who are
5 high school graduates or who are beyond the compulsory age limit of the public school
6 system and who have left the public schools, provided, juveniles of any age committed to
7 the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention
8 by a court of competent jurisdiction may, if approved by the director of the training
9 school to which they are assigned, take courses offered by institutions of the system if
10 they are otherwise qualified for admission."

11 Section 4.(t) G.S. 115D-5(b) reads as rewritten:

12 "(b) In order to make instruction as accessible as possible to all citizens, the
13 teaching of curricular courses and of noncurricular extension courses at convenient
14 locations away from institution campuses as well as on campuses is authorized and shall
15 be encouraged. A pro rata portion of the established regular tuition rate charged a full-
16 time student shall be charged a part-time student taking any curriculum course. In lieu of
17 any tuition charge, the State Board of Community Colleges shall establish a uniform
18 registration fee, or a schedule of uniform registration fees, to be charged students
19 enrolling in extension courses for which instruction is financed primarily from State
20 funds; provided, however, that the State Board of Community Colleges may provide by
21 general and uniform regulations for waiver of tuition and registration fees for persons not
22 enrolled in elementary or secondary schools taking courses leading to a high school
23 diploma or equivalent certificate, for training courses for volunteer firemen, local fire
24 department personnel, volunteer rescue and lifesaving department personnel, local rescue
25 and lifesaving department personnel, Radio Emergency Associated Citizens Team
26 (REACT) members when the REACT team is under contract to a county as an emergency
27 response agency, local law-enforcement officers, patients in State alcoholic rehabilitation
28 centers, all full-time custodial employees of the Department of Correction, employees of
29 the Department's Division of Adult Probation and Parole and employees of the ~~Office of~~
30 ~~Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention required to be
31 certified pursuant to Chapter 17C of the General Statutes and the rules of the Criminal
32 Justice and Training Standards Commission, trainees enrolled in courses conducted under
33 the New and Expanding Industry Program, clients of sheltered workshops, clients of adult
34 developmental activity programs, students in Health and Human Services Development
35 Programs, juveniles of any age committed to the ~~Office of Juvenile Justice~~ Department of
36 Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction, prison
37 inmates, and members of the North Carolina State Defense Militia as defined in G.S.
38 127A-5 and as administered pursuant to Article 5 of Chapter 127A of the General
39 Statutes. Provided further, tuition shall be waived for senior citizens attending institutions
40 operating pursuant to this Chapter as set forth in Chapter 115B of the General Statutes,
41 Tuition Waiver for Senior Citizens. Provided further, tuition shall also be waived for all
42 courses taken by high school students at community colleges in accordance with G.S.
43 115D-20(4) and this section."

1 Section 4.(u) G.S. 120-216 reads as rewritten:

2 **"§ 120-216. Commission duties.**

3 The Commission shall have the following duties:

- 4 (1) Study the needs of children and youth. This study shall include, but is
5 not limited to:
- 6 a. Determining the adequacy and appropriateness of services:
 - 7 1. To children and youth receiving child welfare services;
 - 8 2. To children and youth in the juvenile court system; and
 - 9 3. Provided by the Division of Social Services and the ~~Office~~
10 ~~of Juvenile Justice.~~ Department of Juvenile Justice and
11 Delinquency Prevention.
 - 12 b. Developing methods for identifying and providing services to
13 children and youth not receiving but in need of child welfare
14 services, children and youth at risk of entering the juvenile court
15 system, and children and youth exposed to domestic violence
16 situations.
 - 17 c. Developing strategies for addressing the issues of school dropout,
18 teen suicide, and adolescent pregnancy.
 - 19 d. Identifying and evaluating the impact on children and youth of
20 other economic and environmental issues.
 - 21 e. Identifying obstacles to ensuring that children who are in secure
22 or nonsecure custody are placed in safe and permanent homes
23 within a reasonable period of time and recommending strategies
24 for overcoming those obstacles. The Commission shall consider
25 what, if anything, can be done to expedite the adjudication and
26 appeal of abuse and neglect charges against parents so that
27 decisions may be made about the safe and permanent placement
28 of their children as quickly as possible.
- 29 (2) Evaluate problems associated with juveniles who are beyond the
30 disciplinary control of their parents, including juveniles who are
31 runaways, and develop solutions for addressing the problems of those
32 juveniles.
- 33 (3) Identify strategies for the development and funding of a comprehensive
34 statewide database relating to children and youth to facilitate State
35 agency planning for delivery of services to children and youth.
- 36 (4) Conduct any other studies, evaluations, or assessments necessary for the
37 Commission to carry out its purpose."

38 Section 4.(v) G.S. 122C-3(13a) reads as rewritten:

39 "(13a) 'Eligible assaultive and violent children' means children who are
40 citizens of North Carolina and:

- 41 a. Who suffer from emotional, mental, or neurological handicaps
42 that have been accompanied by behavior that is characterized as
43 violent or assaultive; and

- 1 b. Who are involuntarily institutionalized or otherwise placed in
2 residential programs, including:
- 3 1. Minors who are mentally ill as defined by G.S. 122C-
4 3(21) and who are admitted for evaluation or treatment to
5 a treatment facility under Article 5 of Chapter 122C of the
6 General Statutes or are presented for admission and
7 denied due to their behaviors or handicapping conditions;
 - 8 2. Minors who are referred to an area mental health,
9 developmental disabilities, and substance abuse authority
10 pursuant to G.S. 7B-903 for whom residential treatment or
11 placement is recommended;
 - 12 3. Minors who are placed in residential programs as a
13 condition of probation pursuant to G.S. 7B-2506;
 - 14 4. Minors who are ordered to a professional residential
15 treatment program pursuant to G.S. 7B-2506; and
 - 16 5. Minors committed to the custody of the ~~Office of Juvenile~~
17 ~~Justice, Department of Juvenile Justice and Delinquency~~
18 Prevention, pursuant to G.S. 7B-2506; and
- 19 c. For whom the State has not provided appropriate treatment and
20 educational programs."

21 Section 4.(w) G.S. 122C-113(b1) reads as rewritten:

22 "(b1) The Secretary shall cooperate with the State Board of Education and the ~~Office~~
23 ~~of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention~~ in
24 coordinating the responsibilities of the Department of Health and Human Services, the
25 State Board of Education, the ~~Office of Juvenile Justice, Department of Juvenile Justice~~
26 and Delinquency Prevention, and the Department of Public Instruction for adolescent
27 substance abuse programs. The Department of Health and Human Services, through its
28 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in
29 cooperation with the ~~Office of Juvenile Justice, Department of Juvenile Justice and~~
30 Delinquency Prevention, shall be responsible for intervention and treatment in non-
31 school based programs. The State Board of Education and the Department of Public
32 Instruction, in consultation with the ~~Office of Juvenile Justice, Department of Juvenile~~
33 Justice and Delinquency Prevention, shall have primary responsibility for in-school
34 education, identification, and intervention services, including student assistance
35 programs."

36 Section 4.(x) G.S. 122C-117(a) reads as rewritten:

37 "(a) The area authority shall:

- 38 (1) Engage in comprehensive planning, budgeting, implementing, and
39 monitoring of community-based mental health, developmental
40 disabilities, and substance abuse services;
- 41 (2) Provide services to clients in the catchment area, including clients
42 committed to the custody of the ~~Office of Juvenile Justice, Department of~~
43 Juvenile Justice and Delinquency Prevention;

- 1 (3) Determine the needs of the area authority's clients and coordinate with
- 2 the Secretary and with the ~~Office of Juvenile Justice~~ Department of
- 3 Juvenile Justice and Delinquency Prevention the provision of services to
- 4 clients through area and State facilities;
- 5 (4) Develop plans and budgets for the area authority subject to the approval
- 6 of the Secretary;
- 7 (5) Assure that the services provided by the area authority meet the rules of
- 8 the Commission and Secretary;
- 9 (6) Comply with federal requirements as a condition of receipt of federal
- 10 grants; and
- 11 (7) Appoint an area director, chosen through a search committee on which
- 12 the Secretary of the Department of Health and Human Services or the
- 13 Secretary's designee serves as a nonvoting member."

14 Section 4.(y) G.S. 143-138(g) reads as rewritten:

15 "(g) Publication and Distribution of Code. – The Building Code Council shall cause
 16 to be printed, after adoption by the Council, the North Carolina State Building Code and
 17 each amendment thereto. It shall, at the State's expense, distribute copies of the Code and
 18 each amendment to State and local governmental officials, departments, agencies, and
 19 educational institutions, as is set out in the table below. (Those marked by an asterisk will
 20 receive copies only on written request to the Council.)

21 OFFICIAL OR AGENCY	NUMBER OF COPIES
22 State Departments and Officials	
23 Governor 1	
24 Lieutenant Governor	1
25 Auditor 1	
26 Treasurer 1	
27 Secretary of State	1
28 Superintendent of Public Instruction.....	1
29 Attorney General (Library)	1
30 Commissioner of Agriculture.....	1
31 Commissioner of Labor.....	1
32 Commissioner of Insurance	1
33 Department of Environment and	
34 Natural Resources 1	
35 Department of Health and Human Services.....	1
36 Office of Juvenile Justice	
37 <u>Department of Juvenile Justice and</u>	
38 <u>Delinquency Prevention</u> 1	
39 Board of Transportation	1
40 Utilities Commission.....	1
41 Department of Administration	1
42 Clerk of the Supreme Court	1

1 Clerk of the Court of Appeals 1
 2 Clerk of the Superior Court..... 1 each
 3 Department of Cultural Resources [State
 4 Library] 5
 5 Supreme Court Library 2
 6 Legislative Library 1
 7 Schools
 8 All state-supported colleges and universities
 9 in the State of North Carolina *1 each
 10 Local Officials
 11 Clerks of the Superior Courts..... 1 each
 12 Chief Building Inspector of each incorporated
 13 municipality or county 1
 14

15 In addition, the Building Code Council shall make additional copies available at such
 16 price as it shall deem reasonable to members of the general public."

17 Section 4.(z) G.S. 143-166.2(d) reads as rewritten:

18 "(d) The term 'law-enforcement officer,' 'officer,' or 'fireman' shall mean all law-
 19 enforcement officers employed full time by the State of North Carolina or any county or
 20 municipality thereof and all full-time custodial employees of the North Carolina
 21 Department of Correction and all full-time institutional and detention employees of the
 22 ~~Division of Youth Services of the Department of Health and Human Services.~~ Department of
 23 Juvenile Justice and Delinquency Prevention. The term 'firemen' shall mean both
 24 'eligible fireman'; or 'fireman' as defined in G.S. 58-86-25 and all full-time, permanent
 25 part-time and temporary employees of the North Carolina Division of Forest Resources,
 26 Department of Environment and Natural Resources, during the time they are actively
 27 engaged in fire-fighting activities; and shall mean all full-time employees of the North
 28 Carolina Department of Insurance during the time they are actively engaged in fire-
 29 fighting activities, during the time they are training fire fighters or rescue squad workers,
 30 and during the time they are engaged in activities as members of the State Emergency
 31 Response Team, when the Team has been activated. The term 'rescue squad worker' shall
 32 mean a person who is dedicated to the purpose of alleviating human suffering and
 33 assisting anyone who is in difficulty or who is injured or becomes suddenly ill by
 34 providing the proper and efficient care or emergency medical services. In addition, this
 35 person must belong to an organized rescue squad which is eligible for membership in the
 36 North Carolina Association of Rescue Squads, Inc., and the person must have attended a
 37 minimum of 36 hours of training and meetings in the last calendar year. Each rescue
 38 squad belonging to the North Carolina Association of Rescue Squads, Inc., must file a
 39 roster of those members meeting the above requirements with the State Treasurer on or
 40 about January 1 of each year, and this roster must be certified to by the secretary of said
 41 association. In addition, the term 'rescue squad worker' shall mean a member of an
 42 ambulance service certified by the Department of Health and Human Services pursuant to
 43 Article 7 of Chapter 131E of the General Statutes. The Department of Health and Human

1 Services shall furnish a list of ambulance service members to the State Treasurer on or
2 about January 1 of each year. The term 'Civil Air Patrol members' shall mean those
3 senior members of the North Carolina Wing-Civil Air Patrol 18 years of age or older and
4 currently certified pursuant to G.S. 143B-491(a). The term 'fireman' shall also mean
5 county fire marshals when engaged in the performance of their county duties. The term
6 'rescue squad worker' shall also mean county emergency services coordinators when
7 engaged in the performance of their county duties."

8 Section 4.(aa) G.S. 143B-150.5(d) reads as rewritten:

9 "(d) The Secretary of the Department of Health and Human Services shall ensure
10 the cooperation of the Division of Social Services, ~~the Division of Youth Services,~~ the
11 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services,
12 and the Division of Medical Assistance, in carrying out the provisions of this Part."

13 Section 4.(bb) G.S. 143B-150.7(b) reads as rewritten:

14 "(b) The Committee shall have 24 members appointed for staggered four-year terms
15 and until their successors are appointed and qualify. The Governor shall have the power
16 to remove any member of the Committee from office in accordance with the provisions
17 of G.S. 143B-13. Members may succeed themselves for one term and may be appointed
18 again after being off the Committee for one term. Six of the members shall be legislators
19 appointed by the General Assembly, three of whom shall be recommended by the
20 Speaker of the House of Representatives, and three of whom shall be recommended by
21 the President Pro Tempore of the Senate. Two of the members shall be appointed by the
22 General Assembly from the public at large, one of whom shall be recommended by the
23 Speaker of the House of Representatives, and one of whom shall be recommended by the
24 President Pro Tempore of the Senate. The remainder of the members shall be appointed
25 by the Governor as follows:

26 (1) Four members representing the Department of Health and Human
27 Services, one of whom shall be the Assistant Secretary for Children and
28 Family, one of whom shall represent the Division of Social Services,
29 one of whom shall represent the Division of Mental Health,
30 Developmental Disabilities, and Substance Abuse Services, and one of
31 whom shall represent the Division of Maternal and Child Health;

32 (1a) One member representing the ~~Office of Juvenile Justice;~~ Department of
33 Juvenile Justice and Delinquency Prevention;

34 (2) Two members, one from each of the following: the Administrative
35 Office of the Courts and the Department of Public Instruction;

36 (3) One member who represents the Juvenile Justice Planning Committee of
37 the Governor's Crime Commission, and one member appointed at large;

38 (4) One member who is a district court judge certified by the
39 Administrative Office of the Courts to hear juvenile cases;

40 (5) One member representing the schools of social work of The University
41 of North Carolina;

- 1 (6) Two members, one of whom is a provider of family preservation
2 services, and one of whom is a consumer of family preservation
3 services; and
4 (7) Three members who represent county-level associations; one of whom
5 represents the Association of County Commissioners, one of whom
6 represents the Association of Directors of Social Services, and one of
7 whom represents the North Carolina Council of Mental Health,
8 Developmental Disabilities, and Substance Abuse Services.

9 The Secretary of the Department of Health and Human Services shall serve as the
10 Chair of the Committee. The Secretary shall appoint the cochair of the Committee for a
11 two-year term on a rotating basis from among the Committee members who represent the
12 ~~Office of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention~~, the
13 Division of Social Services, and the Division of Mental Health, Developmental
14 Disabilities, and Substance Abuse Services."

15 Section 4.(cc) G.S. 143B-152.6 reads as rewritten:

16 **"§ 143B-152.6. Cooperation of State and local agencies.**

17 All agencies of the State and local government, including the ~~Office of Juvenile Justice,~~
18 ~~Department of Juvenile Justice and Delinquency Prevention~~, departments of social
19 services, health departments, local mental health, mental retardation, and substance abuse
20 authorities, court personnel, law enforcement agencies, The University of North Carolina,
21 the community college system, and cities and counties, shall cooperate with the
22 Department of Health and Human Services, and local nonprofit corporations that receive
23 grants in coordinating the program at the State level and in implementing the program at
24 the local level. The Secretary of Health and Human Services, after consultation with the
25 Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of
26 State agencies and local agencies, and encouraging the cooperation of private entities,
27 especially those receiving State funds, in the coordination and implementation of the
28 program."

29 Section 4.(dd) G.S. 143B-152.14 reads as rewritten:

30 **"§ 143B-152.14. Cooperation of State and local agencies.**

31 All agencies of the State and local government, including the ~~Office of Juvenile Justice,~~
32 ~~Department of Juvenile Justice and Delinquency Prevention~~, departments of social
33 services, health departments, local mental health, mental retardation, and substance abuse
34 authorities, court personnel, law enforcement agencies, The University of North Carolina,
35 the community college system, and cities and counties, shall cooperate with the
36 Department of Health and Human Services, and local nonprofit corporations that receive
37 grants in coordinating the program at the State level and in implementing the program at
38 the local level. The Secretary of Health and Human Services, after consultation with the
39 Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of
40 State agencies and local agencies and encouraging the cooperation of private entities,
41 especially those receiving State funds, in the coordination and implementation of the
42 program."

43 Section 4.(ee) G.S. 143B-153(2) reads as rewritten:

1 "(2) The Social Services Commission shall have the power and duty to
2 establish standards and adopt rules and regulations:

- 3 a. For the programs of public assistance established by federal
4 legislation and by Article 2 of Chapter 108A of the General
5 Statutes of the State of North Carolina with the exception of the
6 program of medical assistance established by G.S. 108A-25(b);
7 b. To achieve maximum cooperation with other agencies of the
8 State and with agencies of other states and of the federal
9 government in rendering services to strengthen and maintain
10 family life and to help recipients of public assistance obtain self-
11 support and self-care;
12 c. For the placement and supervision of dependent juveniles and of
13 delinquent juveniles who are placed in the custody of the ~~Office~~
14 of ~~Juvenile Justice,~~ Department of Juvenile Justice and
15 Delinquency Prevention, and payment of necessary costs of
16 foster home care for needy and homeless children as provided by
17 G.S. 108A-48; and
18 d. For the payment of State funds to private child-placing agencies
19 as defined in G.S. 131D-10.2(4) and residential child care
20 facilities as defined in G.S. 131D-10.2(13) for care and services
21 provided to children who are in the custody or placement
22 responsibility of a county department of social services."

23 Section 4.(ff) G.S. 143B-478 reads as rewritten:

24 "**§ 143B-478. Governor's Crime Commission – creation; composition; terms;**
25 **meetings, etc.**

26 (a) There is hereby created the Governor's Crime Commission of the Department
27 of Crime Control and Public Safety. The Commission shall consist of 36 voting members
28 and six nonvoting members. The composition of the Commission shall be as follows:

29 (1) The voting members shall be:

- 30 a. The Governor, the Chief Justice of the Supreme Court of North
31 Carolina (or his alternate), the Attorney General, the Director of
32 the Administrative Office of the Courts, the Secretary of the
33 Department of Health and Human Services, the Secretary of the
34 Department of Correction, the ~~Director of the Office of Juvenile~~
35 ~~Justice,~~ Secretary of the Department of Juvenile Justice and
36 Delinquency Prevention, and the Superintendent of Public
37 Instruction;
38 b. A judge of superior court, a judge of district court specializing in
39 juvenile matters, a chief district court judge, a clerk of superior
40 court, and a district attorney;
41 c. A defense attorney, three sheriffs (one of whom shall be from a
42 'high crime area'), three police executives (one of whom shall be
43 from a 'high crime area'), six citizens (two with knowledge of

1 juvenile delinquency and the public school system, two of whom
2 shall be under the age of 21 at the time of their appointment, one
3 representative of a 'private juvenile delinquency program,' and
4 one in the discretion of the Governor), three county
5 commissioners or county officials, and three mayors or municipal
6 officials;

7 d. Two members of the North Carolina House of Representatives
8 and two members of the North Carolina Senate.

9 (2) The nonvoting members shall be the Director of the State Bureau of
10 Investigation, the Secretary of the Department of Crime Control and
11 Public Safety, the Assistant Director of the Intervention/Prevention
12 ~~Bureau of the Office of Juvenile Justice, Division of the Department of~~
13 ~~Juvenile Justice and Delinquency Prevention,~~ the Assistant Director of
14 the Detention ~~Bureau of the Office of Juvenile Justice, Division of the~~
15 ~~Department of Juvenile Justice and Delinquency Prevention,~~ the
16 Director of the Division of Prisons and the Director of the Division of
17 Adult Probation and Paroles.

18 (b) The membership of the Commission shall be selected as follows:

19 (1) The following members shall serve by virtue of their office: the
20 Governor, the Chief Justice of the Supreme Court, the Attorney General,
21 the Director of the Administrative Office of the Courts, the Secretary of
22 the Department of Health and Human Services, the Secretary of the
23 Department of Correction, the Director of the State Bureau of
24 Investigation, the Secretary of the Department of Crime Control and
25 Public Safety, the Director of the Division of Prisons, the Director of the
26 Division of Adult Probation and Parole, the ~~Director of the Office of~~
27 ~~Juvenile Justice, Secretary of the Department of Juvenile Justice and~~
28 ~~Delinquency Prevention,~~ the Assistant Director of the
29 Intervention/Prevention ~~Bureau of the Office of Juvenile Justice, Division~~
30 ~~of the Department of Juvenile Justice and Delinquency Prevention,~~ the
31 Assistant Director of the Detention ~~Bureau of the Office of Juvenile~~
32 ~~Justice, Division of the Department of Juvenile Justice and Delinquency~~
33 ~~Prevention,~~ and the Superintendent of Public Instruction. Should the
34 Chief Justice of the Supreme Court choose not to serve, his alternate
35 shall be selected by the Governor from a list submitted by the Chief
36 Justice which list must contain no less than three nominees from the
37 membership of the Supreme Court.

38 (2) The following members shall be appointed by the Governor: ~~the~~
39 ~~representative of the Office of Juvenile Justice,~~ the district attorney, the
40 defense attorney, the three sheriffs, the three police executives, the six
41 citizens, the three county commissioners or county officials, the three
42 mayors or municipal officials.

1 (3) The following members shall be appointed by the Governor from a list
2 submitted by the Chief Justice of the Supreme Court, which list shall
3 contain no less than three nominees for each position and which list
4 must be submitted within 30 days after the occurrence of any vacancy in
5 the judicial membership: the judge of superior court, the clerk of
6 superior court, the judge of district court specializing in juvenile
7 matters, and the chief district court judge.

8 (4) The two members of the House of Representatives provided by
9 subdivision (a)(1)d. of this section shall be appointed by the Speaker of
10 the House of Representatives and the two members of the Senate
11 provided by subdivision (a)(1)d. of this section shall be appointed by the
12 President Pro Tempore of the Senate. These members shall perform the
13 advisory review of the State plan for the General Assembly as permitted
14 by section 206 of the Crime Control Act of 1976 (Public Law 94-503).

15 (5) The Governor may serve as chairman, designating a vice-chairman to
16 serve at his pleasure, or he may designate a chairman and vice-chairman
17 both of whom shall serve at his pleasure.

18 (c) The initial members of the Commission shall be those appointed pursuant to
19 subsection (b) above, which appointments shall be made by March 1, 1977. The terms of
20 the present members of the Governor's Commission on Law and Order shall expire on
21 February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other
22 than those serving by virtue of their office, to serve staggered terms; seven shall be
23 appointed for one-year terms, seven for two-year terms, and seven for three-year terms.
24 At the end of their respective terms of office their successors shall be appointed for terms
25 of three years and until their successors are appointed and qualified. The Commission
26 members from the House and Senate shall serve two-year terms effective March 1, of
27 each odd-numbered year; and they shall not be disqualified from Commission
28 membership because of failure to seek or attain reelection to the General Assembly, but
29 resignation or removal from office as a member of the General Assembly shall constitute
30 resignation or removal from the Commission. Any other Commission member no longer
31 serving in the office from which he qualified for appointment shall be disqualified from
32 membership on the Commission. Any appointment to fill a vacancy on the Commission
33 created by the resignation, dismissal, death, disability, or disqualification of a member
34 shall be for the balance of the unexpired term.

35 (d) The Governor shall have the power to remove any member from the
36 Commission for misfeasance, malfeasance or nonfeasance.

37 (e) The Commission shall meet quarterly and at other times at the call of the
38 chairman or upon written request of at least eight of the members. A majority of the
39 voting members shall constitute a quorum for the transaction of business."

40 Section 4.(gg) G.S. 147-45 reads as rewritten:

41 **"§ 147-45. Distribution of copies of State publications.**

42 The Secretary of State shall, at the State's expense, as soon as possible after
43 publication, provide such number of copies of the Session Laws and Senate and House

1 Journals to federal, State, and local governmental officials, departments and agencies,
 2 and to educational institutions of instruction and exchange use, as is set out in the table
 3 below:

Agency or Institution	Session Laws	Assembly Journals
Governor, Office of the	3	2
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3
Auditor, Department of the State	3	1
Treasurer, Department of the State	3	1
Local Government Commission	2	0
State Board of Education	1	0
Department of Public Instruction	3	1
Controller	1	0
Technical Assistance Centers	1 ea.	0
Department of Community Colleges	3	1
Justice, Department of		
Office of the Attorney General	25	3
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1
State Bureau of Investigation	1	0
Agriculture and Consumer Services,		
Department of	3	1
Labor, Department of	5	1
Insurance, Department of	5	1
Administration, Department of	1	1
Budget Bureau	2	1
Controller	1	0
Property Control	1	0
Purchase and Contract	2	0
Policy and Development	1	0
Veterans Affairs Commission	1	0
Environment and Natural Resources,		
Department of	6	0
Wildlife Resources Commission	2	0
Revenue, Department of	5	1
Health and Human Services, Department of	6	0
Mental Health, Developmental Disabilities, and Substance Abuse Services,		
Division of	1	0
Social Services, Division of	3	0

1	Facilities Services, Division of	1	0	
2	Hospitals and Institutions	1 ea.	0	
3	Juvenile Justice, Office of			
4	<u>Juvenile Justice and Delinquency</u>			
5	<u>Prevention, Department of</u>	3	0	
6	Transportation, Department of	1	0	
7	Board of Transportation	3	0	
8	Motor Vehicles, Division of	1	0	
9	Commerce, Department of	1	0	
10	Economic Development, Division of	2	0	
11	State Ports Authority	1	0	
12	Alcoholic Beverage Control Commission,			
13	North Carolina	2	0	
14	Banking Commission	2	0	
15	Utilities Commission	8	1	
16	Industrial Commission	7	0	
17	Labor Force Development Council	1	0	
18	Milk Commission	5	0	
19	Employment Security Commission	1	1	
20	Correction, Department of	1	0	
21	Department of Correction	2	0	
22	Parole Commission	2	0	
23	State Prison	1	0	
24	Correctional Institutions	1 ea.	0	
25	Cultural Resources, Department of	1	0	
26	Archives and History, Division of	5	1	
27	State Library	5	5	
28	Publications Division	1	1	
29	Crime Control and Public Safety, Department of		2	1
30	North Carolina Crime Commission	1	0	
31	Adjutant General	2	0	
32	Elections, State Board of	2	0	
33	Office of Administrative Hearings	2	0	
34	State Personnel Commission	1	0	
35	Office of State Personnel	1	1	
36	Legislative Branch			
37	State Senators	1 ea.	1 ea.	
38	State Representatives	1 ea.	1 ea.	
39	Principal Clerk – Senate	1	1	
40	Principal Clerk – House	1	1	
41	Reading Clerk – Senate	1	1	
42	Reading Clerk – House	1	1	
43	Sergeant at Arms – House	1	1	

1	Sergeant at Arms – Senate	1	1
2	Enrolling Clerk	1	0
3	Engrossing Clerk	1	0
4	Indexer of the Laws	1	0
5	Legislative Building Library	35	15
6	Judicial System		
7	Justices of the Supreme Court	1 ea.	1 ea.
8	Judges of the Court of Appeals	1 ea.	1 ea.
9	Judges of the Superior Court	1 ea.	0
10	Emergency and Special Judges of the		
11	Superior Court	1 ea.	0
12	District Court Judges	1 ea.	0
13	District Attorneys	1 ea.	0
14	Clerk of the Supreme Court	1	1
15	Clerk of the Court of Appeals	1	1
16	Administrative Office of the Courts	4	1
17	Supreme Court Library	AS MANY AS REQUESTED	
18	Colleges and Universities		
19	The University of North Carolina System		
20	Administrative Offices	3	0
21	University of North Carolina,		
22	Chapel Hill	65	25
23	University of North Carolina,		
24	Charlotte	3	1
25	University of North Carolina,		
26	Greensboro	3	1
27	University of North Carolina,		
28	Asheville	2	1
29	University of North Carolina,		
30	Wilmington	2	1
31	North Carolina State University,		
32	Raleigh	5	3
33	Appalachian State University	2	1
34	East Carolina University	3	2
35	Elizabeth City State University	2	1
36	Fayetteville State University	2	1
37	North Carolina Agricultural and		
38	Technical University	2	1
39	North Carolina Central University	5	5
40	Western Carolina University	2	1
41	University of North Carolina,		
42	Pembroke	2	1
43	Winston-Salem State University	2	1

1	North Carolina School of the Arts			1	1
2	Private Institutions				
3	Duke University	6			
4	Davidson College	3	2		
5	Wake Forest University	5	5		
6	Lenoir Rhyne College	1	1		
7	Elon College	1	1		
8	Guilford College	1	1		
9	Campbell University	5	5		
10	Wingate College	1	1		
11	Pfeiffer College	1	1		
12	Barber Scotia College	1	1		
13	Barton College	1	1		
14	Shaw University	1	1		
15	St. Augustine's College	1	1		
16	Johnson C. Smith University	1	1		
17	Belmont Abbey College	1	1		
18	Bennett College	1	1		
19	Catawba College	1	1		
20	Gardner-Webb College	1	1		
21	Greensboro College	1	1		
22	High Point University	1	1		
23	Livingstone College	1	1		
24	Mars Hill College	1	1		
25	Meredith College	1	1		
26	Methodist College	1	1		
27	North Carolina Wesleyan College			1	1
28	Queens College	1	1		
29	Sacred Heart College	1	1		
30	St. Andrews Presbyterian College			1	1
31	Salem College	1	1		
32	Warren Wilson College	1	1		
33	County and Local Officials				
34	Clerks of the Superior Court			1 ea.	1 ea.
35	Register of Deeds			1 ea.	1 ea.
36	Federal, Out-of-State and Foreign				
37	Secretary to the President			1	0
38	Secretary of State			1	1
39	Secretary of Defense			1	0
40	Secretary of Agriculture			1	0
41	Secretary of the Interior			1	0
42	Secretary of Labor			1	1
43	Secretary of Commerce			1	1

1	Secretary of the Treasury	1	0
2	Secretary of Health, Education and		
3	Welfare	1	0
4	Secretary of Housing and Urban		
5	Development	1	0
6	Secretary of Transportation	1	0
7	Attorney General	1	0
8	Postmaster General	1	0
9	Bureau of Census	1	0
10	Bureau of Public Roads	1	0
11	Department of Justice	1	0
12	Department of Internal Revenue	1	0
13	Veterans' Administration	1	0
14	Farm Credit Administration	1	0
15	Securities and Exchange Commission	1	0
16	Social Security Board	1	0
17	Environmental Protection Agency	1	0
18	Library of Congress	8	2
19	Federal Judges resident in North		
20	Carolina	1 ea.	0
21	Federal District Attorneys resident in		
22	North Carolina	1 ea.	0
23	Marshal of the United States		
24	Supreme Court	1	0
25	Federal Clerks of Court resident in		
26	North Carolina	1 ea.	0
27	Supreme Court Library exchange list	1 ea.	0

28
29 One copy of the Session Laws shall be furnished the head of any department of State
30 government created in the future.

31 State agencies, institutions, etc., not found in or covered by this list may, upon written
32 request from their respective department head to the Secretary of State, and upon the
33 discretion of the Secretary of State as to need, be issued copies of the Session Laws on a
34 permanent loan basis with the understanding that should said copies be needed they will
35 be recalled."

36 Section 4.(hh) G.S. 131D-10.4 reads as rewritten:

37 **"§ 131D-10.4. Exemptions.**

38 This Article shall not apply to:

- 39 (1) Any residential child-care facility chartered by the laws of the State of
40 North Carolina (or operating under charters of other states which have
41 complied with the corporation laws of North Carolina) which has a plant
42 and assets worth sixty thousand dollars (\$60,000) or more and which is

1 owned or operated by a religious denomination or fraternal order and
2 which was in operation before July 1, 1977;

3 (2) State institutions for emotionally disturbed or delinquent children, the
4 mentally ill, mentally retarded, and substance abusers;

5 (3) Secure detention facilities as specified in ~~Article 3C of Chapter 147~~
6 Article 12 of Chapter 143B of the General Statutes;

7 (4) Licensable facilities subject to the rules of the Commission for Mental
8 Health, Developmental Disabilities, and Substance Abuse Services as
9 specified in Article 2 of Chapter 122C of the General Statutes;

10 (5) Persons authorized by statute to receive and place children for foster
11 care and adoption in accordance with G.S. 108A-14;

12 (6) Primarily educational institutions as defined in G.S. 131D-10.2(11); or

13 (7) Individuals who are related by blood, marriage, or adoption to the
14 child."

15 Section 4.(ii) G.S. 153A-221.1 reads as rewritten:

16 **"§ 153A-221.1. Standards and inspections.**

17 The legal responsibility of the Secretary of Health and Human Services and the Social
18 Services Commission for State services to county juvenile detention homes under this
19 Article is hereby confirmed and shall include the following: development of State
20 standards under the prescribed procedures; inspection; consultation; technical assistance;
21 and training.

22 ~~The Director of the Office of Juvenile Justice shall develop new standards which~~
23 ~~shall be applicable to county detention homes and regional detention homes as defined by~~
24 ~~Article 3C of Chapter 147 of the General Statutes in line with the recommendations of~~
25 ~~the report entitled Juvenile Detention in North Carolina: A Study Report (January, 1973)~~
26 ~~where practicable, and such new standards shall become effective not later than July 1,~~
27 ~~1977.~~

28 The Secretary of Health and Human Services shall also develop standards under
29 which a local jail may be approved as a holdover facility for not more than five calendar
30 days pending placement in a juvenile detention home which meets State standards,
31 providing the local jail is so arranged that any child placed in the holdover facility cannot
32 converse with, see, or be seen by the adult population of the jail while in the holdover
33 facility. The personnel responsible for the administration of a jail with an approved
34 holdover facility shall provide close supervision of any child placed in the holdover
35 facility for the protection of the child."

36 Section 4.(jj) G.S. 164-40 reads as rewritten:

37 **"§ 164-40. Correction population simulation model; ~~Office of Juvenile Justice~~**
38 **Department of Juvenile Justice and Delinquency Prevention facilities**
39 **population simulation model.**

40 (a) The Commission shall develop a correctional population simulation model, and
41 shall have first priority to apply the model to a given fact situation, or theoretical change
42 in the sentencing laws, when requested to do so by the Chairman, the Executive Director,
43 or the Commission as a whole.

1 The Executive Director or the Chairman shall make the model available to respond to
2 inquiries by any State legislator, or by the Secretary of the Department of Correction, in
3 second priority to the work of the Commission.

4 (b) The Commission shall develop ~~an Office of Juvenile Justice~~ a Department of
5 Juvenile Justice and Delinquency Prevention facilities population simulation model, and
6 shall have first priority to apply the model to a given fact situation, or theoretical change
7 in the dispositional laws set forth in Chapter 7B of the General Statutes, when requested
8 to do so by the Chairman, the Executive Director, or the Commission as a whole.

9 The Executive Director or the Chairman shall make the model available to respond to
10 inquiries by any State legislator, or by the ~~Office of Juvenile Justice,~~ Department of
11 Juvenile Justice and Delinquency Prevention, in second priority to the work of the
12 Commission."

13 Section 4.(kk) G.S. 164-43 reads as rewritten:

14 "**§ 164-43. Priority of duties; reports; continuing duties.**

15 (a) The Commission shall have two primary duties, and other secondary duties
16 essential to accomplishing the primary ones. The Commission may establish
17 subcommittees or advisory committees composed of Commission members to
18 accomplish duties imposed by this Article.

19 It is the legislative intent that the Commission attach priority to accomplish the
20 following primary duties:

- 21 (1) The classification of criminal offenses as described in G.S. 164-41 and
22 the formulation of sentencing structures as described in G.S. 164-42;
23 and
24 (2) The formulation of proposals and recommendations as described in G.S.
25 164-42.1 and G.S. 164-42.2.

26 (b) The Commission shall report its findings and recommendations to the 1991
27 General Assembly, 1991 Regular Session. The report shall describe the status of the
28 Commission's work, and shall include any completed policy recommendations.

29 (c) The Commission shall report on its progress in formulating recommendations
30 for the classification and ranges of punishment for felonies and misdemeanors, required
31 by G.S. 164-41, and sentencing structures, established pursuant to G.S. 164-42, to the
32 1991 General Assembly, 1992 Regular Session, and shall make a final report on these
33 recommendations no later than 30 days after the convening of the 1993 Session of the
34 General Assembly.

35 (d) Once the primary duties of the Commission have been accomplished, it shall
36 have the continuing duty to monitor and review the criminal justice and corrections
37 systems and the juvenile justice system in this State to ensure that sentences and
38 dispositions remain uniform and consistent, and that the goals and policies established by
39 the State are being implemented by sentencing and dispositional practices, and it shall
40 recommend methods by which this ongoing work may be accomplished and by which the
41 correctional population simulation model and the ~~Office of Juvenile Justice~~ Department of
42 Juvenile Justice and Delinquency Prevention facilities population simulation model
43 developed pursuant to G.S. 164-40 shall continue to be used by the State.

1 (e) Upon adoption of a system for the classification of offenses formulated
2 pursuant to G.S. 164-41, the Commission or its successor shall review all proposed
3 legislation which creates a new criminal offense, changes the classification of an offense,
4 or changes the range of punishment or dispositional level for a particular classification,
5 and shall make recommendations to the General Assembly.

6 (f) In the case of a new criminal offense, the Commission or its successor shall
7 determine whether the proposal places the offense in the correct classification, based
8 upon the considerations and principles set out in G.S. 164-41. If the proposal does not
9 assign the offense to a classification, it shall be the duty of the Commission or its
10 successor to recommend the proper classification placement.

11 (g) In the case of proposed changes in the classification of an offense or changes in
12 the range of punishment or dispositional level for a classification, the Commission or its
13 successor shall determine whether such a proposed change is consistent with the
14 considerations and principles set out in G.S. 164-41, and shall report its findings to the
15 General Assembly.

16 (h) The Commission or its successor shall meet within 10 days after the last day
17 for filing general bills in the General Assembly for the purpose of reviewing bills as
18 described in subsections (e), (f), and (g). The Commission or its successor shall include
19 in its report on a bill an analysis based on an application of the correctional population
20 simulation model or the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and
21 Delinquency Prevention facilities population simulation model to the provisions of the
22 bill."

23 Section 4.(II) G.S. 164-37(26) reads as rewritten:

24 "(26) A representative of the ~~Office of Juvenile Justice~~ Department of Juvenile
25 Justice and Delinquency Prevention."

26 **PART IV. EFFECTIVE DATE.**

27 Section 5. This act becomes effective July 1, 2000.