

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1148
Second Edition Engrossed 5/8/07
Senate Judiciary (Civil) Committee Substitute Adopted 7/26/07

Short Title: Identify Juvenile Escapees.

(Public)

Sponsors:

Referred to:

March 29, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND
3 DELINQUENCY PREVENTION TO RELEASE THE IDENTIFICATION OF
4 CERTAIN JUVENILES WHO ESCAPE FROM CUSTODY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 7B-2102(d1) is repealed.

7 SECTION 2. Article 31 of Chapter 7B of the General Statutes is amended
8 by adding a new section to read:

9 "**§ 7B-3102. Disclosure of information about juveniles who escape.**

10 (a) Notwithstanding G.S. 7B-2102(d) or any other law to the contrary, within 24
11 hours of the time a juvenile escapes from custody the Department shall release to the
12 public the juvenile's first name, last initial, and photograph; the name and location of the
13 institution from which the juvenile escaped; and a statement, based on the juvenile's
14 record, of the level of concern of the Department as to the juvenile's threat to self or to
15 others, if:

16 (1) The juvenile escapes from a detention facility, and the juvenile is
17 alleged to have committed an offense that would be a Class A, B1, B2,
18 C, D, or E felony if committed by an adult.

19 (2) The juvenile escapes from a youth development center, and the
20 juvenile has been adjudicated delinquent for an offense that would be a
21 felony or a Class A1 misdemeanor if committed by an adult.

22 (b) When a juvenile escapes from custody, and the juvenile has been adjudicated
23 for an offense that would be a Class 1, 2, or 3 misdemeanor if committed by an adult,
24 the Department may release to the public within 24 hours the juvenile's first name, last
25 initial, and photograph; the name and location of the institution from which the juvenile
26 escaped, or if the juvenile's escape was not from an institution, the circumstances and
27 location of the escape; and a statement, based on the juvenile's record, of the level of
28 concern of the Department as to the juvenile's threat to self or to others.

1 (c) If a juvenile subject to subsection (a) or (b) of this section is returned to
2 custody before the disclosure required or permitted is made, the Department shall not
3 make the disclosure.

4 (d) The Department shall maintain a photograph of every juvenile in its custody."

5 **SECTION 3.(a)** G.S. 7B-2102(a) reads as rewritten:

6 "(a) A law enforcement officer or agency shall fingerprint and photograph a
7 juvenile who was 10 years of age or older at the time the juvenile allegedly committed a
8 nondivertible offense as set forth in G.S. 7B-1701, when a complaint has been prepared
9 for filing as a petition and the juvenile is in physical custody of law enforcement or the
10 Department.

11 (a1) A county juvenile detention facility shall photograph a juvenile who has been
12 committed to that facility if the juvenile was at least 10 years old at the time that
13 juvenile allegedly committed a nondivertible offense as set forth in G.S. 7B-1701.
14 facility. The county detention facility shall release any photograph it makes or receives
15 pursuant to this section to the Department, upon the Department's request. The duty of
16 confidentiality in subsection (d) of this section applies to the Department, except as
17 provided in G.S. 7B-3102."

18 **SECTION 3.(b)** G.S. 7B-2102(c) reads as rewritten:

19 "(c) A law enforcement officer, facility, or agency who fingerprints or
20 photographs a juvenile pursuant to this section shall do so in a proper format for transfer
21 to the State Bureau of Investigation and the Federal Bureau of Investigation. After the
22 juvenile, who was 10 years of age or older at the time of the offense, is adjudicated
23 delinquent of an offense that would be a felony if committed by an adult, fingerprints
24 obtained pursuant to this section shall be transferred to the State Bureau of Investigation
25 and placed in the Automated Fingerprint Identification System (AFIS) to be used for all
26 investigative and comparison purposes. Photographs obtained pursuant to this section
27 shall be placed in a format approved by the State Bureau of Investigation and may be
28 used for all investigative or comparison purposes. The State Bureau of Investigation
29 shall release any photograph it receives pursuant to this section to the Department, upon
30 the Department's request. The duty of confidentiality in subsection (d) of this section
31 applies to the Department, except as provided in G.S. 7B-3102."

32 **SECTION 4.** G.S. 7B-3100(b) reads as rewritten:

33 "(b) Disclosure of information concerning any juvenile under investigation or
34 alleged to be within the jurisdiction of the court that would reveal the identity of that
35 juvenile is prohibited except that publication of pictures of runaways is permitted with
36 the permission of the ~~parents.~~ parents and except as provided in G.S. 7B-3102."

37 **SECTION 5.** This act becomes effective October 1, 2007.