

Votes Carried

1) Indictment Process for Youth

§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.

(a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults after either of the following:

(1) ~~Notice to the juvenile that a bill of indictment has been returned against the juvenile, an indictment return hearing,~~ and a finding by the court that a bill of indictment has been returned against the juvenile charging the commission of an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.

(2) Notice, probable cause hearing, and a finding of probable cause that the juvenile committed an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.

§7B-2202.5. Indictment Return Hearing.

- (a) If a bill of indictment is returned charging the commission of an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult when the juvenile was age 16 or 17, the court shall hold an indictment return hearing.
- (b) The hearing shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.
- (c) At the indictment return hearing, the prosecutor and the juvenile may be heard, and the juvenile's attorney may examine the returned indictment.
- (d) The court shall determine if a bill of indictment has been returned against the juvenile charging the commission of an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult when the juvenile was age 16 or 17. If the court finds that such a bill of indictment has been returned, the court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults. The court shall then determine conditions of pretrial release, as required by G.S. 7B-2204.

§ 15A-627. Submission of bill of indictment to grand jury by prosecutor.

(c) A prosecutor may submit a bill of indictment charging an offense within the original jurisdiction of the district court when the offense constitutes a Class A, B1, B2, C, D, E, F, or G felony alleged to have been committed when a juvenile was age 16 or age 17. The prosecutor may include any offense based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a single scheme or plan of that felony, and any greater or lesser included offense of that felony, in the bill of indictment.

Effective date for changes to 15A-627 should read. Section ____ shall take effect immediately and apply to offenses committed on or after December 1, 2019.