



Juvenile Jurisdiction Advisory Committee
Subcommittee: Legislative Revisions and Legal Issues
3010 Hammond Business Place
Raleigh, NC 27603

Thursday, October 11, 2018

Subcommittee Members: Heather Taraska, Chair; Ronnie Ansley; Maxine Evans-Armwood; Dawn Blagrove; Tarrah Callahan (m); Michelle Hall (m); Krista Hiatt (m); Garry Frank (m); Jennifer Knox (m); William Lassiter (m); Chuck Mallonee; Marty McGee (m); LaToya Powell; Robert Rader (m); Carrie Randa; Mary Stansell (m); Joe Testino; Ricky Watson; Robyn Withrow, Eric Zogry (m)

Present: Voting Members Tarrah Callahan (m), Michelle Hall (m), Krista Hiatt (m), Jennifer Knox (m), William Lassiter (m), Robert Rader (m), Mary Stansell (m), Heather Taraska (m-chair of subcommittee), Eric Zogry (m); Dawn Blagrove, Bonnie Clark, Frank Crawford, Yolanda Davis; Peg Dorer, Maxine Evans-Armwood; Tawanda Foster; Michelle Frazier; Jacquelyn D. Greene; Erin Hickey, John Madler, Emily Mehta; LaToya Powell, Kimberly Quintus, Carrie Randa, Mildred Spearman; Joe Testino, Ricky Watson, and Robyn Withrow were also present.

Call to order: 10:07 AM

Coalition Letter Submitted by the American Civil Liberties Union of North Carolina
"The Importance of Judicial Discretion in Youth Transfer Decisions"

- Provided to and reviewed by subcommittee members. No further discussion at this meeting.

Bill Draft 2017-TV-4 [v.5] and Bill Draft 2017-TV-5 [v.3]: Expunction Language for 16 & 17 Year Olds Convicted After the Passage of Raise the Age Legislation

- Review of sponsored bills by Senator Barringer
 - One applies to misdemeanor and class H & I felonies; one applies to misdemeanor and traffic offenses.
 - There is no automatic process, so one must be delineated. There is now a petition to start the process and fees are paid.
 - How the process would be "automated" is for consideration.
- Discussion and thoughts:
 - Concern about filing fee (Stansell, Knox)
 - Need for education so juveniles know their rights and how to initiate the process. Specifically need for resources/education beyond just notifying defendants with a packet. Consider education campaign through Legal Aid grant. (Zogry, Stansell, Lassiter, Hall)
 - Inclusion/exclusion of traffic offenses (Rader, Powell, Taraska)
 - Verification of first-time offender status (Powell, Stansell, Zogry)
 - Automatic process so impetus is not on juvenile. (Hall, Stansell, Callahan, Powell, Rader, Withrow)
 - Original intent of bill (Lassiter, Callahan)

- Multiple convictions in same day (Randa, Rader, Stansell, Withrow, Stansell, Blagrove, Foster)
- Motion:
 - Accept TV-4 [v.5] with and/or added and conviction sentence
 - Change (a)(1) to statement
 - Remove (a)(2)
 - (a)(5) be a statement instead of an affidavit
 - (e) be removed completely
 - Seconded, carried.
- Motion:
 - Adopt above and include on line 21 (a)(i) "Petition cannot be filed earlier than completion of the sentence or any period of probation, and upon his 18th birthday".
 - Seconded, carried. 1 opposed (Taraska).

7B-1501(7)(b) & 7B-1604(b)(ii): Once an Adult, Always an Adult

- Discussion and Thoughts:
 - Removing statute and PJC (Taraska, Zogry)
 - Scope of language: felonies and misdemeanors, or all convictions including motor vehicle offenses (Taraska, Zogry, Stansell, Withrow, Hiatt)
 - Implication of prior adult conviction on juvenile housing after arrest (Lassiter, Hall)
 - Impact on law enforcement: verification of prior conviction at arrest to determine whether adult or not (Hiatt, Taraska, Lassiter, Stansell)
 - Impact on "donut hole" kids (Stansell, Powell, Lassiter, Zogry)
 - Impact of removing the language: dual supervision on probation (Taraska, Hiatt, Stansell)
 - Impact of removing misdemeanor and motor vehicle convictions, but keeping felonies (Withrow, Zogry, Lassiter, Randa, Taraska)
 - Necessity of prior conviction language: relevance to counting prior convictions (Powell, Hall, Taraska, Zogry)
 - Drafting opinion vs. statutory change re: PJC (Zogry, Taraska)
- Motion
 - Modify language to "a juvenile who has been previously convicted of a felony or misdemeanor, excluding a violation of motor vehicle laws, other than driving while impaired under State law, shall be prosecuted as an adult for any criminal offense the juvenile commits after the district or superior court conviction."
 - Seconded, carried. 2 opposed (Zogry, Stansell)

15 A: Criminal Gang Activity

- Discussion and thoughts:
 - Impact on dispositional level (Taraska, Stansell, Hall)
 - Standard of proof (Taraska, Stansell, Hall, Zogry, Randa, Lassiter)
 - JCC assessment of criminal gang membership (Stansell, Lassiter, Zogry, Evans-Armwood)

- Judicial findings required: criminal gang activity and/or criminal gang member (Zogry, Randa, Powell)
- Motion: change “shall receive a disposition...” to “may receive a disposition...”
 - Motion failed
- Motion: include “beyond a reasonable doubt”
 - Seconded, carried.

Recessed at 1:37 PM so people can safely travel back (Hurricane Michael).

Additional Instructions: **Any changes to your contact information should be sent to Kimberly.Quintus@ncdps.gov.**

Next Juvenile Jurisdiction Advisory Committee meeting: **November 8, 2018.**