



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

Thursday, May 3, 2018

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

Call to order: 10:03 AM

- Introductions

Present: Heather Taraska (voting member), Tarah Callahan (voting member), Bill D. Davis (voting member), Michelle Hall (voting member), Krista Hiatt (voting member), Jennifer Know (voting member), William Lassiter (voting member), Marty McGee (voting member), Robert Rader (voting member), Mary Stansell (voting member), Eric Zogry (voting member), Ronnie Ansley (advisory member), Frank Crawford (advisory member), Maxine Evans-Armwood (advisory member), LaToya Powell (advisory member), Carrie Randa (advisory member), Joe Testino (advisory member), Ricky Watson (advisory member), Peg Dorer (NC Conference of District Attorneys), John Madler (SPAC staff attorney- support staff), Robyn Withrow (Assistant District Attorney), Rebecca Dial (SPAC- support staff), Mildred Spearman (NCAOC), Kimberly Quintus (Juvenile Justice- support staff), Bonnie Clark (Juvenile Justice- support staff), Erin Hickey (Juvenile Justice- support staff)

**Discussion of Section 7B-1501(b) and Section 7B-1604(b) of Senate Bill 257 (Definition of Motor Vehicle Laws)** Presentation by John Madler, Associate Director for Policy, Administrative Office of the Courts

- There are four groups to review:
  - Felony Classification of Chapter 20 Offenses Under the Structured Sentencing Act – Offenses committed on or after December 1, 2017
  - Misdemeanor Classification of Chapter 20 Offenses Under the Structured Sentencing Act – Offenses committed on or after December 1, 2017
  - Misdemeanor Classification of Chapter 20 Offenses Not Sentenced under the Structured Sentencing Act – Offenses committed on or after December 1, 2017
  - Misdemeanor “Motor vehicle” Offenses Outside of Chapter 20 – Offenses committed on or after December 1, 2017

**Discussion on Chapter 20 and Chapter 14 Offenses**

- Impact of exclusion of Chapter 20
  - Custody issues
    - Impact of keeping juvenile traffic offenders in juvenile detention

- DWIs: jails, and sight & sound separation
    - Discussion on JJAC recommendation to house all persons less than 18 in juvenile facilities
  - Juvenile court vs. adult court
    - Discussion on resources issues and having to contact a Juvenile Court Counselor for every speeding ticket
    - Impact of 200,000 Chapter 20 offenses going through the juvenile system
- Specific offense exclusion and impacts
  - Discussion that sheriffs agreed motor vehicle offenses would not be included
  - Discussion of making minor legislative changes each year to correct identified deficiencies/issues, as other states have done
  - Discussion on “clean breaks”: arrestable offenses to juvenile court, non-arrestable to district court. Consider which offenses give points and which don’t.
  - Discussion on insurance needs; what is easier for law enforcement
- Juvenile DWIs
  - Discussion on access to intoxilyzers
    - Fingerprintable offenses are done at the jail, where they can also get a breathalyzer
    - Juvenile Detention Centers don’t have intoxilyzers but we’re working with county jails to use their facilities
    - Once a juvenile has been tested, they will be sent to a juvenile detention center
  - Discussion on number of DWI offenses for 16-and-17-year-olds
  - Discussion on confidentiality: none for juvenile DWIs. Juvenile clerks must attach an order to DMV for NOL
  - Prior DWI are noted in DMV record even if the offender doesn’t have a license
  - Prior DWIs impact on sentencing
- Removing potential Chapter 14 offenses from Chapter 20
  - Should revisit with more buy-in and funding
  - Pull out all offenses that don’t belong in Chapter 20, then remove Chapter 20 offenses from the definition of juvenile delinquent
  - Review elements to decide (for example, injury to others, monetary gain)
- Removing Chapter 20 offenses from “once an adult, always an adult”
  - Recommendation to house all applicable 16-and-17-year-old A-Gs should address the issue. But, Chapter 20 is still “once an adult, always an adult”. If Chapter 20s are removed from the juvenile definition, need to ensure such offenses do not keep the juvenile from the juvenile system in the future
  - Consider only excluding 16-and-17-year-old A-G convictions from juvenile jurisdiction, even if MV violation
- Definition of “motor vehicle offense”
  - Discussion of B2-F offenses, which will automatically go to adult court and be precluded from going to juvenile court
  - Get *possession of stolen vehicle / speeding to elude* of out Chapter 20 and put in Chapter 14
  - Exclude violation of misdemeanor Chapter 20 motor vehicle laws

- Felony flee to elude is in both Chapters 20 and 14
- Adopt language of misdemeanor motor vehicle offense
- 7B-2507 amendments don't mesh well

#### **Additional Information Needed**

- Look at the numbers to see how many juveniles may be charged (Chapter 20 offenses) and come to juvenile justice
- Federal regulations: when a juvenile is held as an adult for a motor vehicle offense and then comes back to juvenile jurisdiction for a juvenile offense
- Need to get more information on federal regulations for pre-trial confinement vs. post-trial conviction
- How many 16 and 17-year-olds were under Chapter 20 over the past two years?
- We'll need to address expunction later
- Every juvenile that goes to superior court will be considered a transfer
- Discussion on intent of statutory language and once an adult, always an adult
- 7B-1501, Chapter 20 misdemeanor, and 1604 need to change

#### **Future topics for Discussion**

- Transfer process for 16 and 17-year-olds with A – G offenses to Superior Court
  - Timeline to indict/PC
    - Currently 15 days
    - Recommend 16-and-17-year-olds with A-G felonies be a 60-day window.
    - 1906(b)... “if juvenile was 16 or older at time of new A-G offense...further hearing should held within 30 calendar days”
    - “30 day hearings my only be waived with consent of juvenile” ... every 10 days if good cause is held by the court
    - “Has up to 60 days to submit...”
  - Reverse waiver
  - Appeals on transfers
  - Detention periods
  - Can JJ still divert felonies?
- Will discuss via email and have a full JJAC vote on 5/22/2018

#### **Summary of recommendations**

1. Amend 7B-1501 (7) (b), definition of delinquent juveniles.
  - Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an infraction under State law or under an ordinance of local government, excluding misdemeanor violation of the Chapter 20 motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31
  - Amend G.S. 143B-805(6) (b) similarly.

Meeting adjourned at 2:06 PM

**Next meeting:** Friday, June 29, 2018 from 10am-2pm at 3010 Hammond Business Pl., Raleigh, NC