



## Juvenile Jurisdiction Advisory Committee (S.L. 2017-57) Juvenile Age Interim Recommendations

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Bill D. Davis, Co-Chair

Garry Frank, Co-Chair

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May 6, 2021

Members of the North Carolina General Assembly  
16 W. Jones Street  
Raleigh, NC 27601

Dear Members of the North Carolina General Assembly,

Pursuant to S.L. 2017-57 [SECTION 16D.4.(rr)], *Juvenile Justice Reinvestment Act*, the Juvenile Jurisdiction Advisory Committee, “shall submit additional interim reports with updates on the planning steps completed towards implementation, including any legislative, administrative, and funding recommendations, annually by January 15 of each year.”

The members of the Juvenile Jurisdiction Advisory Committee extend their many thanks to the General Assembly for implementing previous legislative and funding recommendations, efforts which have well prepared North Carolina for initial implementation of “Raise the Age.” As data is collected and analyzed against original projections, additional recommendations will be provided. The following are our most recent legislative recommendations:

### 1) Minimum Age

The Juvenile Jurisdiction Advisory Committee supports raising the minimum age of juvenile jurisdiction from 6 to 10 for all offenses, while continuing to provide services to these at-risk youth through school, primary care, local departments of social services, mental health, and local programming. The JJAC also supports capacity evaluations and hearings for youth alleged to have committed an offense while younger than age 12.

### 2) Indictment Process for Youth

The Committee undertook insertion of a process for indictment within juvenile code, Chapter 7B. The following is the recommendation approved with one partial dissent, Office of Juvenile Defender.

§ 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.

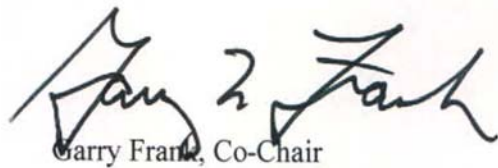
*One dissent was entered for 15A-627 from a JJAC member regarding the proposed indictment process: When a Class A through E felony allegation for a 16 or 17 year old is brought to the grand jury pursuant to 7B-2200.5(a)(1), there must first be a petition filed alleging a delinquent act. This rule should also apply to any other allegation brought before the grand jury under this statute.*

Thank you for your consideration of the Committee's work and dedication to ensuring the Juvenile Justice Reinvestment Act is effectively implemented. The committee will continue to report to you: Committee recommendations as approved.

Sincerely,



Bill D. Davis, Co-Chair



Garry Frank, Co-Chair

Juvenile Jurisdiction Advisory Committee Members (Name, City, Appointed by):

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| <b>STELLA BAILEY</b><br>Raleigh - Ex-officio designee                               | <b>BETTY BUDD</b><br>Arden - President Pro Tempore of the Senate                  | <b>TARRAH E. CALLAHAN</b><br>Raleigh - Speaker of the House of Representatives           |
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cc: Joint Legislative Oversight Committee on Justice and Public Safety  
Senate Appropriations Committee on Justice and Public Safety  
House Appropriations Committee on Justice and Public Safety