

The following Legislative and Legal Issues Subcommittee recommendations were approved for full Juvenile Jurisdiction Advisory Committee review and vote.

1) **Conforming changes**

§ 7B-2513. Commitment of delinquent juvenile to Division.

(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent juvenile who is at least 10 years of age to the Division for placement in a youth development center. Commitment shall be for an indefinite term of at least six months.

(a1) For an offense the juvenile committed prior to reaching the age of 16 years, the term shall not exceed:

- (1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult;
- (2) The nineteenth birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subdivision (1) of this subsection; or
- (3) The eighteenth birthday of the juvenile if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age but less than 17 years of age, the term shall not exceed:

- (1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult; or
- (2) The twentieth birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subdivision (1) of this subsection; or
- (3) The nineteenth birthday if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D or E felony if committed by an adult.

(a3) For an offense the juvenile committed while the juvenile was at least 17 years of age, the term shall not exceed:

- (1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult; or
- (2) The twentieth birthday if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D or E felony if committed by an adult.

(a4) No juvenile shall be committed to a youth development center beyond the minimum six-month commitment for a period of time in excess of the maximum term of imprisonment for which an adult in prior record level VI for felonies or in prior conviction level III for misdemeanors could be sentenced for the same offense, except when the Division pursuant to G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an additional period of time to continue care or treatment under

the plan of care or treatment developed under subsection (f) of this section. At the time of commitment to a youth development center, the court shall determine the maximum period of time the juvenile may remain committed before a determination must be made by the Division pursuant to G.S. 7B-2515 and shall notify the juvenile of that determination.

2) Maximum YDC Commitment Age for 16- and 17-year-olds

Extended commitments

Age at offense	Offense type	Commitment to age
Any	first degree murder, first-degree forcible rape, first-degree statutory rape pursuant, first-degree forcible sexual offense, or first-degree statutory sexual offense	21
Under 16	B1 - E	19
16	B1 - E	20
17	B1 - E	21

Regular Jurisdictional Limits

Age at offense	Jurisdictional Age Limit
Under 16	18 th birthday
16	19 th birthday
17	20 th birthday

§ 7B-1601. Jurisdiction over delinquent juveniles.

(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years, except as provided otherwise in this Article. If the offense was committed while the juvenile was at least 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 20 years, except as provided otherwise in this Article.

§ 7B-1602. Extended jurisdiction over a delinquent juvenile under certain circumstances.

(a) When a juvenile is committed to the Division for placement in a youth development center for an offense that would be first degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 21 years, whichever occurs first.

(b) When a juvenile is committed to the Division for placement in a youth development center for an offense committed under the age of 16 that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years, whichever occurs first.

(1979, c. 815, s. 1; 1981, c. 469, s. 4; 1996, 2nd Ex. Sess., c. 18, s. 23.2(d); 1998-202, s. 6; 2000-137, s. 3; 2001-95, s. 5; 2011-145, s. 19.1(l); 2015-181, s. 25.)

(c) When a juvenile is committed to the Division for placement in a youth development center for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 20 years, whichever occurs first.

(d) When a juvenile is committed to the Division for placement in a youth development center for an offense committed while at least 17 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 21 years, whichever occurs first.

3) Conforming amendments to G.S. 7B-2514(c), G.S. 7B-2516(c), and G.S. 7B-2600(c) § 7B-2514. Post-release supervision planning; release.

(c) The Division shall release a juvenile under a plan of post-release supervision at least 90 days prior to:

(1) Completion of the juvenile's definite term of commitment; or

(2) The juvenile's twenty-first birthday if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult; or

(3) If the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a);

a. The juvenile's nineteenth birthday if the juvenile committed the offense prior to reaching the age of 16 years.

b. The juvenile's twentieth birthday if the juvenile committed the offense while the juvenile was at least 16 years of age but less than 17, or

c. The juvenile's twenty-first birthday if the juvenile committed the offense while the juvenile was at least 17 years of age; or

(4) If the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult;

a. The eighteenth birthday of the juvenile if the juvenile committed the offense prior to reaching the age of 16 years.

b. The nineteenth birthday of the juvenile if the juvenile committed the offense while the juvenile was at least 16 years of age but less than 17 years of age, or

c. The twentieth birthday of the juvenile if the juvenile committed the offense while the juvenile was at least 17 years of age.

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§ 7B-2516. Revocation of post-release supervision.

(c) If the court revokes post-release supervision, the juvenile shall be returned to the Division for placement in a youth development center for an indefinite term of at least 90 days, provided, however, that no juvenile shall remain committed to the Division for placement in a youth development center past the maximum term of commitment allowed pursuant to G.S. 7B-2513(a1), G.S. 7B-2513(a2), and G.S. 7B-2513(a3).

(1979, c. 815, s. 1; 1998-202, s. 6; 2000-137, s.3; 2001-95, s. 5; 2001-490, s. 2.29; 2011-145, s. 19.1(l); 2015-181, s. 29.)

§ 7B-2600. Authority to modify or vacate.

(c) In any case where the court finds the juvenile to be undisciplined, the jurisdiction of the court to modify any order or disposition made in the case shall continue during the minority of the juvenile, or, until terminated by order of the court.

(d) In any case where the court finds the juvenile to be delinquent, the jurisdiction of the court to modify any order of disposition made in the case shall continue:

(i) until the juvenile reaches the age of eighteen for an offense committed prior to reaching the age of 16.

(ii) until the juvenile reaches the age of nineteen for an offense committed offense while the juvenile was at least 16 years of age but less than 17 years of age, or

(iii) until the juvenile reaches the age of twenty for an offense committed while the juvenile was at least 17 years of age; or

(iv) if the juvenile was committed to the Division for placement in a youth development center, until the juvenile reaches the maximum term of commitment as authorized pursuant to G.S. 7B-2513(a1), G.S. 7B-2513(a2), and G.S. 7B-2513(a3); or

(v) until terminated by order of the court.

4) Proposal to allow TSC youth to be housed in detention post-sentencing: [NCGS § 7B-2204\(d\)](#)

Problem that the proposed language will fix: H 593 requires youth under 18 whose case originates in criminal court to be housed in a juvenile facility pretrial and after sentencing if they would otherwise be confined in a jail. However, [NCGS § 7B-2204\(d\)](#) still applies to youth whose cases originate in juvenile court and are later transferred to superior court. [NCGS § 7B-2204\(d\)](#) prescribes that youth who are sentenced as adults after being transferred from juvenile to superior court cannot be detained in a juvenile detention center after sentencing.

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(2) The juvenile's nineteenth birthday if the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a). ¶
(3) The juvenile's eighteenth birthday if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

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“§ 7B-2204 (d) reads as rewritten:

(d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal offense in superior court and receive an active sentence, then immediate transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be ordered. Until such time as the juvenile is transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the juvenile may be detained in a holdover facility or detention facility approved by the Juvenile Justice Section. The juvenile may not be detained in a detention facility pending transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, unless the detention facility is operated by the sheriff pursuant to G.S. 7B-1905(b).’

The following Legislative and Legal Issues Subcommittee recommendations were approved for **further work prior to** Juvenile Jurisdiction Advisory Committee review and vote.

5) Secure Custody Order on Remand

§ 7A-271. Jurisdiction of superior court

(g) The superior court has jurisdiction to issue a secure custody order pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d).

7B-1902, Authority to issue secure custody orders.

In the case of any juvenile alleged to be within the jurisdiction of the court, when the court finds it necessary to place the juvenile in custody, the court may order that the juvenile be placed in secure or nonsecure custody pursuant to criteria set out in G.S. 7B-1903.

Any district court judge may issue secure and nonsecure custody orders pursuant to G.S. 7B-1903. The chief district court judge may delegate the court's authority to the chief court counselor or the chief court counselor's counseling staff by administrative order filed in the office of the clerk of superior court. The administrative order shall specify which persons may be contacted for approval of a secure or nonsecure custody order. The chief district court judge shall not delegate the court's authority to detain or house juveniles in holdover facilities pursuant to G.S. 7B-1905 or G.S. 7B-2513.

Any superior court judge may issue secure custody orders pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d).

§ 7B-1906. Secure or nonsecure custody hearings.

(b2) A hearing to determine the need for continued secure custody shall be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court pursuant to G.S. 7B-2200.5(d). A hearing conducted under this subsection may not be continued or waived. Subsequent hearings on the need for continued secure custody shall be held pursuant to subsection (b1) of this section. The district court has authority to modify any secure custody order pursuant to the provisions of this section following the issuance of such order by the superior court.

SECTION 8.(a) G.S. 7B-2200.5 reads as rewritten:

"§ 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 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, 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.

(b) If the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class H or I felony if committed by an adult, after notice, hearing, and a finding of probable cause, the court may, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court pursuant to G.S. 7B-2203.

(c) A probable cause hearing conducted pursuant to subdivision (2) of subsection (a) of this section shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.

(d) In any case where jurisdiction over a juvenile has been transferred to superior court, upon joint motion of the prosecutor and the juvenile's attorney, the superior court shall remand the case to district court. The prosecutor shall provide the chief court counselor or his or her designee with a copy of the joint motion prior to submitting such motion to the court. The superior court, shall expunge the superior court record in accordance with G.S. 15A-145.8 at the time of remand, and, if the juvenile meets the criteria established in G.S. 7B-1903, may issue an order for secure custody upon the request of a prosecutor. The prosecutor shall as soon as possible and no more than 24 hours after the order is issued provide a copy of any secure custody order issued to the chief court counselor or his or her designee.

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