



SENATE BILL 413: Raise the Age Modifications.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	July 9, 2019
Introduced by:	Sens. D. Davis, Daniel, Sanderson	Prepared by:	Tawanda N. Foster
Analysis of:	PCS to Second Edition S413-CSTV-42		Committee Co-Counsel

OVERVIEW: *The PCS to Senate Bill 413 modifies certain juvenile delinquency and juvenile justice statutes to facilitate implementation of the legislation known as "Raise the Age."*

CURRENT LAW: The Juvenile Justice Reinvestment Act, also known as the "Raise the Age" legislation, was included in The Appropriations Act of 2017 (S.L. 2017-57, Section 16D.4). This legislation made changes to certain juvenile delinquency and juvenile justice statutes to accomplish the following:

- 1) raise the age of juvenile jurisdiction to include 16 and 17 year olds, except in the case of A-G felonies;
- 2) provide a victim an opportunity to request review of a decision not to file a juvenile petition;
- 3) increase the information available on juveniles to law enforcement and for court proceedings;
- 4) authorize school-justice partnerships statewide to reduce school based referrals to the juvenile court system;
- 5) require regular juvenile justice training for law enforcement officers;
- 6) provide for gang assessments and enhanced sentencing for offenses committed as part of criminal gang activity; and
- 7) establish the Juvenile Jurisdiction Advisory Committee.

The changes in the law that raise the age of juvenile jurisdiction become effective on December 1, 2019.

BILL ANALYSIS: This PCS does the following:

Section 1 clarifies that all motor vehicle offenses (previously misdemeanors or infractions) under Chapter 20 of the General Statutes are excluded from juvenile court jurisdiction for juveniles ages 16-18. This section also moves the offense of receiving or transferring stolen vehicles from Chapter 20 to Chapter 14 of the General Statutes.

Section 2 clarifies the limits on juvenile court jurisdiction by providing juveniles previously transferred to and convicted in superior court will be prosecuted as an adult for any subsequent criminal offense. Juveniles convicted of a misdemeanor motor vehicle violation or an infraction other than driving while

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impaired (previously any motor vehicle violation other than DWI) will remain in the juvenile justice system.

Section 3 clarifies that juvenile court counselors must conduct a gang assessment for juveniles age 12 or older during the complaint evaluation process.

Section 4 adds a new subsection to the law on taking juveniles into temporary custody to provide a person who takes an individual age 21 or older into temporary custody for an offense the individual committed when they were a juvenile will process the individual in accordance with the Juvenile Code and the individual must be detained in the county jail where the charges are.

Section 5 amends the law on secure custody to provide if secure custody is ordered for a person age 18 or older for alleged offenses committed while the person was a juvenile, the court must order that person be temporarily detained in the county jail where the charges arose.

Section 6 clarifies that juveniles must be detained in approved juvenile detention facilities. This section also provides, if secure custody is ordered for a person age 18 or older for alleged offenses committed while the person was a juvenile, the court must order that person be temporarily detained in the county jail where the charges arose.

Section 7 clarifies further hearings to determine the need for secure custody for a juvenile who is age 16 or older at the time the juvenile committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult will be held at intervals of no more than 30 calendar days. However, a juvenile may request, with good cause shown to the court, further hearings to determine the need for secure custody be held at intervals of 10 days.

Section 8 clarifies a probable cause hearing for a juvenile who is age 16 or older at the time the juvenile committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult must be conducted within 90 days of the date of the juvenile's first appearance. All other probable cause hearings in felony cases for juveniles age 13 or older will be conducted within 15 days of the date of the juvenile's first appearance. This section also provides that upon a joint motion of the prosecutor and the juvenile's attorney in any case where a juvenile has been transferred to superior court, the matter will be remanded back to district court and the superior court record expunged.

Section 9 clarifies while a juvenile is being detained in a detention facility or held in a holdover facility personnel of the Juvenile Justice Section of the Division of Adult Corrections and Juvenile Justice or personnel approved by the Juvenile Justice Section must transport the juvenile to and from court. Further, if a juvenile reaches the age of 18 while awaiting the completion of proceedings in superior court the juvenile will be transported by the same personnel to the county jail where the charges arose.

Section 10 clarifies the court must find beyond a reasonable doubt that the juvenile committed an offense as part of criminal gang activity before applying the sentencing enhancement in juvenile cases,

Section 11 adds a new section to the current law on expunctions to provide an expunction of superior court records when charges that were transferred to superior court are remanded to district court for a juvenile adjudication.

EFFECTIVE DATE: This act is effective on December 1, 2019, and applies to offenses committed on or after that date.