



HOUSE BILL 252: Various Raise the Age Changes/JJAC Recs.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 14, 2021
Introduced by:	Reps. McNeill, C. Smith, Richardson, Greene	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H252-CSSA-7		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 252 modifies certain provisions of the Juvenile Justice Reinvestment Act, as recommended by the Juvenile Justice Advisory Committee and recodifies the offense of vehicle tampering.*

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.
- 7) Establish the Juvenile Jurisdiction Advisory Committee.

The Juvenile Jurisdiction Advisory Committee is tasked with developing a specific plan for the implementation of the changes in the juvenile justice system and submitting reports with updates on the planning steps completed towards implementation, including legislative, administrative, and funding recommendations, annually until 2023, or upon the filing of its final report.

BILL ANALYSIS:

Sections 1(a) through 1(e) of the PCS for House Bill 252 would make clarifying and conforming changes to the maximum commitment terms in youth development centers for offenses juveniles committed while they were 16 years or 17 years of age.

Section 1(f) would clarify that the court retains jurisdiction to modify any order or disposition made in the case once a juvenile is found delinquent until the juvenile reaches the maximum term of commitment based on the age of the juvenile at the time of the offense or jurisdiction is terminated by order of the court.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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Section 2 would allow a juvenile to be held in either a holdover facility or a detention facility approved by the Juvenile Justice Section until the juvenile can be transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety after the juvenile has been found guilty, or entered a plea of guilty or no contest to a criminal offense in superior court and received an active sentence.

Section 3 would allow the superior court to issue a secure custody order when a juvenile matter that has been transferred to superior court is remanded to district court. This section would also require a hearing to determine the need for continued secure custody to be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court. This hearing may not be continued or waived. The district court would have authority to modify any secure custody order following the issuance of that order by the superior court.

Section 4 would permit a prosecutor to decline to prosecute in superior court a matter that would otherwise be subject to mandatory transfer if the juvenile allegedly committed an offense that would be a Class E, F, or G felony if committed by an adult.

Section 5 would recodify G.S. 20-107 (Injuring or tampering with vehicle) as G.S. 14-160.4 and make a conforming change to G.S. 20-49.

EFFECTIVE DATE: This act becomes effective December 1, 2021, and applies to offenses committed on or after that date.

Tawanda Artis, Staff Attorney, substantially contributed to this summary.