



HOUSE BILL 259: 2023 Appropriations Act, Sec. 9J.13: Transportation of High-Risk Juveniles

2023-2024 General Assembly

Committee:		Date:	December 5, 2023
Introduced by:		Prepared by:	Debbie Griffiths Staff Attorney
Analysis of:	Sec. 9J.13 of S.L. 2023-134		

OVERVIEW: Section 9J.13 of S.L. 2023-134 creates a new statute (G.S. 7B-905.2) to address transportation of high-risk juveniles when the county department of social services has obtained custody of the juvenile after filing a petition alleging abuse or neglect.

A high-risk juvenile is defined as a juvenile under 18 years old who has been abused or neglected, who has serious emotional, mental, or behavioral disturbances which pose a risk to the juvenile or others, and who resides outside of a residential placement due to the serious emotional, mental, or behavioral disturbances.

A high-risk juvenile transporter is a law enforcement agency, the Division of Juvenile Justice of the Department of Public Safety, or the Department of Adult Corrections, including designated staff of those agencies.

When providing transportation required by this statute, the high-risk juvenile transporter can use reasonable force if it appears necessary to protect the transporter or others. The transporter can determine reasonable restraints necessary for the safety of the juvenile, the transporter, or others.

A high-risk juvenile transporter cannot be held criminally or civilly liable because of reasonable measures taken under this statute. The immunity does not extend to gross negligence, wanton conduct, or intentional wrongdoing that is otherwise actionable.

The county department of social services director can enter into a transportation agreement with a high-risk juvenile transporter establishing procedures, requirements, and guidelines for the transport. The county with custody of the juvenile is responsible for the expense and cost of transporting the juvenile.

This section became effective July 1, 2023.

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Legislative Analysis
Division
919-733-2578