



# SENATE BILL 303: Strengthen Juvenile Laws.

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

2023-2024 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	April 4, 2023
<b>Introduced by:</b>	Sens. Britt, Sanderson, McInnis	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

**OVERVIEW:** *Senate Bill 303 would make the following changes to the juvenile justice system:*

- *Class A through C felonies and firearm-related felonies committed by 16 and 17 year olds would be removed from the juvenile justice system, but firearm-related felonies could be transferred to the juvenile justice system under certain conditions.*
- *Certain identifying information about juveniles could be released to the public if the juvenile was under investigation for certain offenses.*
- *The law related to custodial interrogation of juveniles would be amended to authorize statements made in the presence of a "caretaker" and not just a parent, guardian, or custodian.*

**CURRENT LAW AND BILL ANALYSIS:**

**Section 1.(a)**

Delinquent juveniles between the ages of 10 and 18 who commit an act which would be a criminal offense if committed by an adult are not charged with a crime in criminal court, but rather are alleged to have committed a delinquent act and a petition is filed against the juvenile in juvenile court.

As to 16 and 17 year olds, "delinquent juvenile" is defined by G.S. 7B-1501(7)(b) as a person who commits a crime or an infraction under State law or under an ordinance of local government, excluding the DMV laws, or indirect contempt.

The bill would modify the definition of "delinquent juvenile" in G.S. 7B-1501 in the following manner:

- Any offense constituting a Class A, B1, B2, or C felony would be excluded from the definition.
- Any offense constituting a firearm-related felony would be excluded from the definition.

The effect of making the above changes is that juveniles aged 16 and 17 would no longer be covered by the definition of delinquent juvenile and would no longer enter the juvenile justice system. Rather, they would now be subject to the jurisdiction of typical criminal court proceedings for adults.

**Section 1.(b)**

Certain cases can or must be transferred to superior court so that the delinquent juvenile can be tried as an adult.

For juveniles who are age 16 and 17 years old, the certain laws apply for cases to be transferred to superior court for the juvenile to be tried as an adult.

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If the juvenile commits a Class A through G felony, the case must be transferred after either a bill of indictment has been returned or probable cause has been found after a hearing. G.S. 7B-2200.5(a). However, a prosecutor may decline to transfer a class D through G felony to superior court and keep such a case in juvenile court. G.S. 7B-2200.5(a1).

If the juvenile has already been transferred to and convicted in superior court, then in all subsequent cases the juvenile will be prosecuted as an adult. G.S. 7B-1604.

If the juvenile commits a Class H or I felony, transfer is in the discretion of the court. G.S. 7B-2200.5(b).

The bill would do the following:

- Require that all Class A through C felonies no longer enter the juvenile justice system, but rather would be subject to the jurisdiction of typical criminal court proceedings for adults.
- Require that all firearm-related felonies no longer enter the juvenile justice system, however, if the case was being prosecuted against the juvenile as an adult proceeding in district court then that case could be remanded or sent to juvenile court upon joint motion by the prosecutor and defense attorney.

## **Section 1.(c).**

Section 1.(c) makes conforming changes.

## **Section 2.(a)**

G.S. 7B-3100 contains the law protecting information gathered about juveniles during an investigation and generally allows agencies to share the information internally, but otherwise prohibits the public disclosure of that information. Subsection (b) allows the publication of pictures of runaway children with the permission of the child's parents.

The bill would allow the disclosure and publication of pictures, name, and identifying information about a juvenile for identification and apprehension when the juvenile is under investigation for an offense that subjects the juvenile to transfer to superior court.

## **Section 2.(b)**

G.S. 7B-2101 contains the law for the procedure that law enforcement officers must follow when seeking to interrogate a juvenile who is in custody. In addition to advising the juvenile of the juvenile's Miranda rights, the juvenile must be advised that the juvenile has a right to have a parent, guardian, or custodian present at the questioning. If the juvenile was under the age of 16, then no statement is admissible in court unless the juvenile's parent, guardian, custodian, or attorney was present at the time of the questioning.

The bill would add in the term "caretaker" to the list of people who a juvenile has the right to have present during a custodial interrogation and in the list of people who must be present for a statement made by a juvenile under the age of 16 to be admitted into evidence.

**EFFECTIVE DATE:** Section 2 of this act is effective when it becomes law. The remainder of this act becomes effective December 1, 2023, and applies to offenses committed on or after that date.