

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1083**

Short Title: Secure Custody of Juveniles Using Weapons.

(Public)

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Sponsors: Representatives Hackney; and Barefoot.

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Referred to: Judiciary I.

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April 11, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A  
3 JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE  
4 ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A  
5 WEAPON.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7B-1903(b) reads as rewritten:

8 "(b) When a request is made for secure custody, the court may order secure  
9 custody only where the court finds there is a reasonable factual basis to believe that the  
10 juvenile committed the offense as alleged in the petition, and that one of the following  
11 circumstances exists:

- 12 (1) The juvenile is charged with a felony and has demonstrated that the  
13 juvenile is a danger to property or persons.
- 14 (2) ~~The juvenile is charged with a misdemeanor at least one element of~~  
15 ~~which is assault on a person and has demonstrated that the juvenile is a~~  
16 ~~danger to persons.~~ The juvenile has demonstrated that the juvenile is a  
17 danger to persons and is charged with either (i) a misdemeanor at least  
18 one element of which is assault on a person or (ii) a misdemeanor in  
19 which the juvenile used a weapon or had a weapon in the juvenile's  
20 immediate possession.
- 21 (3) The juvenile has willfully failed to appear on a pending delinquency  
22 charge or on charges of violation of probation or post-release  
23 supervision, providing the juvenile was properly notified.
- 24 (4) A delinquency charge is pending against the juvenile, and there is  
25 reasonable cause to believe the juvenile will not appear in court.
- 26 (5) The juvenile is an absconder from (i) any residential facility operated  
27 by the Department or any detention facility in this State or (ii) any  
28 comparable facility in another state.

1           (6)    There is reasonable cause to believe the juvenile should be detained for  
2                   the juvenile's own protection because the juvenile has recently suffered  
3                   or attempted self-inflicted physical injury. In such case, the juvenile  
4                   must have been refused admission by one appropriate hospital, and the  
5                   period of secure custody is limited to 24 hours to determine the need  
6                   for inpatient hospitalization. If the juvenile is placed in secure custody,  
7                   the juvenile shall receive continuous supervision and a physician shall  
8                   be notified immediately.

9           (7)    The juvenile is alleged to be undisciplined by virtue of the juvenile's  
10                   being a runaway and is inappropriate for nonsecure custody placement  
11                   or refuses nonsecure custody, and the court finds that the juvenile  
12                   needs secure custody for up to 24 hours, excluding Saturdays,  
13                   Sundays, and State holidays, or where circumstances require, for a  
14                   period not to exceed 72 hours to evaluate the juvenile's need for  
15                   medical or psychiatric treatment or to facilitate reunion with the  
16                   juvenile's parents, guardian, or custodian.

17           (8)    The juvenile is alleged to be undisciplined and has willfully failed to  
18                   appear in court after proper notice; the juvenile shall be brought to  
19                   court as soon as possible and in no event should be held more than 24  
20                   hours, excluding Saturdays, Sundays, and State holidays or where  
21                   circumstances require for a period not to exceed 72 hours."

22           **SECTION 2.** This act becomes effective December 1, 2001, and applies to  
23           offenses committed on or after that date.