

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 261

Short Title: Raise Min. Age/Juvenile Jurisdiction. (Public)

Sponsors: Representatives Morey, Hardister, Szoka, and Clemmons (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Families, Children, and Aging Policy, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 11, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE DEFINITIONS OF DELINQUENT JUVENILE AND
3 UNDISCIPLINED JUVENILE TO INCLUDE ONLY JUVENILES AT LEAST TEN
4 YEARS OF AGE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 7B-1501 reads as rewritten:
7 "**§ 7B-1501. Definitions.**

8 In this Subchapter, unless the context clearly requires otherwise, the following words have
9 the listed meanings. The singular includes the plural, unless otherwise specified:

10 ...

11 (7) Delinquent juvenile. –

- 12 a. Any juvenile who, while less than 16 years of age but at least ~~6~~10
13 years of age, commits a crime or infraction under State law or under
14 an ordinance of local government, including violation of the motor
15 vehicle laws, or who commits indirect contempt by a juvenile as
16 defined in G.S. 5A-31.
17 b. Any juvenile who, while less than 18 years of age but at least 16 years
18 of age, commits a crime or an infraction under State law or under an
19 ordinance of local government, excluding all violations of the motor
20 vehicle laws under Chapter 20 of the General Statutes, or who commits
21 indirect contempt by a juvenile as defined in G.S. 5A-31.

22 ...

23 (27) Undisciplined juvenile. –

- 24 a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years
25 of age, is unlawfully absent from school; or is regularly disobedient to
26 and beyond the disciplinary control of the juvenile's parent, guardian,
27 or custodian; or is regularly found in places where it is unlawful for a
28 juvenile to be; or has run away from home for a period of more than
29 24 hours; or
30 b. A juvenile who is 16 or 17 years of age and who is regularly
31 disobedient to and beyond the disciplinary control of the juvenile's
32 parent, guardian, or custodian; or is regularly found in places where it
33 is unlawful for a juvenile to be; or has run away from home for a period
34 of more than 24 hours.



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1"

2 SECTION 1.(b) G.S. 143B-805 reads as rewritten:

3 "§ 143B-805. Definitions.

4 In this Part, unless the context clearly requires otherwise, the following words have the listed
5 meanings:

6 ...

7 (6) Delinquent juvenile. –

8 a. Any juvenile who, while less than 16 years of age but at least ~~6~~10
9 years of age, commits a crime or infraction under State law or under
10 an ordinance of local government, including violation of the motor
11 vehicle laws, or who commits indirect contempt by a juvenile as
12 defined in G.S. 5A-31.

13 b. Any juvenile who, while less than 18 years of age but at least 16 years
14 of age, commits a crime or an infraction under State law or under an
15 ordinance of local government, excluding all violations of the motor
16 vehicle laws under Chapter 20 of the General Statutes, or who commits
17 indirect contempt by a juvenile as defined in G.S. 5A-31.

18 ...

19 (20) Undisciplined juvenile. –

20 a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years
21 of age, is unlawfully absent from school; or is regularly disobedient to
22 and beyond the disciplinary control of the juvenile's parent, guardian,
23 or custodian; or is regularly found in places where it is unlawful for a
24 juvenile to be; or has run away from home for a period of more than
25 24 hours; or

26 b. A juvenile who is 16 or 17 years of age and who is regularly
27 disobedient to and beyond the disciplinary control of the juvenile's
28 parent, guardian, or custodian; or is regularly found in places where it
29 is unlawful for a juvenile to be; or has run away from home for a period
30 of more than 24 hours.

31"

32 SECTION 1.(c) This section is effective when it becomes law and applies to
33 delinquent or undisciplined acts committed on or after that date.

34 SECTION 2. G.S. 7B-1903(f) is repealed effective four years from the date this act
35 becomes law.

36 SECTION 3. G.S. 7B-2102 reads as rewritten:

37 "§ 7B-2102. Fingerprinting and photographing juveniles.

38 (a) A law enforcement officer or agency shall fingerprint and photograph a juvenile ~~who~~
39 ~~was 10 years of age or older~~ at the time the juvenile allegedly committed a nondivertible offense
40 as set forth in G.S. 7B-1701, when a complaint has been prepared for filing as a petition and the
41 juvenile is in physical custody of law enforcement or the Division.

42 ...

43 (b) If a law enforcement officer or agency does not take the fingerprints or a photograph
44 of the juvenile pursuant to subsection (a) of this section or the fingerprints or photograph have
45 been destroyed pursuant to subsection (e) of this section, a law enforcement officer or agency
46 shall fingerprint and photograph a juvenile who has been adjudicated delinquent ~~if the juvenile~~
47 ~~was 10 years of age or older~~ at the time the juvenile committed an offense that would be a felony
48 if committed by an adult.

49 (c) A law enforcement officer, facility, or agency who fingerprints or photographs a
50 juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of
51 Investigation and the Federal Bureau of Investigation. After the juvenile, ~~who was 10 years of~~

1 ~~age or older at the time of the offense, juvenile~~ is adjudicated delinquent of an offense that would
2 be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be
3 transferred to the State Bureau of Investigation and placed in the Automated Fingerprint
4 Identification System (AFIS) to be used for all investigative and comparison purposes, and may
5 be entered into a local fingerprint database for the same purposes, if the law enforcement agency
6 with jurisdiction is served by a secure crime laboratory facility that maintains a local fingerprint
7 database. Photographs obtained pursuant to this section shall be placed in a format approved by
8 the State Bureau of Investigation and may be used for all investigative or comparison purposes.
9 The State Bureau of Investigation shall release any photograph it receives pursuant to this section
10 to the Division, upon the Division's request. The duty of confidentiality in subsection (d) of this
11 section applies to the Division, except as provided in G.S. 7B-3102.

12"

13 **SECTION 4.** G.S. 7B-2513(a) reads as rewritten:

14 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
15 juvenile ~~who is at least 10 years of age~~ to the Division for placement in a youth development
16 center. Commitment shall be for an indefinite term of at least six months."

17 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
18 law.