

2014 Juvenile Delinquency Legislative Update

S.L. 2014-100 (S744): Secure Custody Orders. Section 17.1.(t) of the Appropriations Act amends G.S. 7B-1904 to provide that a message of “the Department of Public Safety” stating that a juvenile petition and secure custody order have been filed against a particular juvenile is authority for a law enforcement officer to detain the juvenile, until a copy of the juvenile petition and secure custody order can be forwarded to the juvenile detention facility. Previously, the statute provided that a message of “the Division of Criminal Information, State Bureau of Investigation” gave such authority.

S.L. 2014-115 (H1133): Pilot Program to Raise High School Dropout Age in Catawba County. Section 64 of this session law amends Section 8.49 of S.L. 2013-360 (which created the pilot program), to create penalties for noncompliance with compulsory school attendance under this pilot program. Amended Section 8.49(a) is effective on August 11, 2014, and provides that:

- If the parent, guardian, or custodian, or the student if age 18, has not made a good faith effort to comply with the compulsory school attendance law, the principal must notify the district attorney. If the student is under age 18, the principal must also notify the director of the county Department of Social Services. If DSS receives such notification, it must initiate an investigation.
- If a student under age 18 is habitually absent from school, and the student’s parent has made a good faith effort to comply with law, the principal may file a complaint with a juvenile court counselor pursuant to Chapter 7B that the student is habitually absent from school without a valid excuse.
- The local school districts subject to this pilot program must establish rules to address under what circumstances an 18 year old must be excused from compulsory school attendance, including that the student has obtained a G.E.D. or is in the military.
- A parent, guardian, or custodian, or student if age 18, who violates the compulsory school attendance law without lawful excuse, either under this section or Chapter 115C, commits a Class 1 misdemeanor.
- If a student, parent, or other person files an affidavit with a school subject to this pilot program indicating that a student is unable to comply with compulsory school attendance by reason of necessity to work or labor for the support of the student or the student’s family, a school social worker must investigate the matter and notify the appropriate court, depending on the child’s age. If the court finds the student or the student’s parents are making a bona fide effort to comply but are unable to do so by reason of illness, lack of earning capacity, or any other valid cause, the court shall determine what help is needed for the student or family to enable compliance with the compulsory school attendance law.

S.L. 2014-119 (H369) (Criminal Law Changes): Child Sex Abuse Prevention Study; Remote Video Testimony by Forensic and Chemical Analysts. This act makes various criminal law changes and includes the following sections that impact juvenile proceedings:

- Section 4.(a) requires the Human Trafficking Commission to study the prevention of child sexual abuse in North Carolina. As part of the study, the Commission must examine age-appropriate curricula for elementary school children on the subject of sexual abuse that could be included in the Basic Education Program for public schools. A final report, including any proposed legislation, must be submitted to the 2015 General Assembly.
- Section 8.(a) creates new section 15A-1225.3, which allows remote video testimony by a forensic analyst in criminal proceedings. A “criminal proceeding,” as defined by this section, includes juvenile delinquency proceedings under Subchapter II of Chapter 7B. This section is effective September 1, 2014, and applies to testimony admitted on or after that date.
- Section 8.(b) amends G.S. 20-139.1 to add new subsection (c5), which allows remote video testimony by a chemical analyst under G.S. 20-139.1(c1), in all administrative hearings, and in any court. This section is effective September 1, 2014, and applies to testimony admitted on or after that date.
- Section 9.(a) amends G.S. 14-269.2(g) to permit detention officers, who are employed and authorized by the sheriff, to carry firearms on campus or other educational property when discharging official duties. This section is effective December 1, 2014, and applies to offenses committed on or after that date.

For the complete list of criminal law statutes enacted by H369, see “[2014 Legislation Affecting Criminal Law and Procedure](#)” by Robert L. Farb, beginning at page 7