

Juvenile Justice Reinvestment Act
(a.k.a Raise the Age)

Superior Court Judges Fall Conference
October 16, 2019



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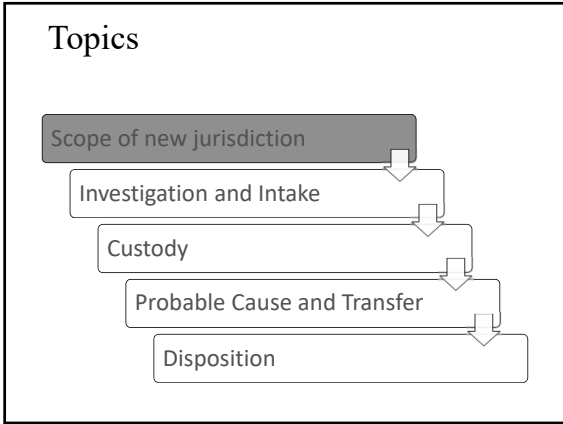
Roadmap

- Expanded Juvenile Jurisdiction
- Transferred Cases
- Interaction with Other Statutes
- School-Justice Partnerships

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Expanded Juvenile Jurisdiction

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Expanded Juvenile Jurisdiction – Case Initiation

+ All crimes and infractions, and indirect contempt, committed at ages 16 and 17

Except:

- X** Motor vehicle offenses under G.S. Chapter 20
- X** Youth falls under once an adult, always an adult

G.S. 7B-1501(7), -1604(b)

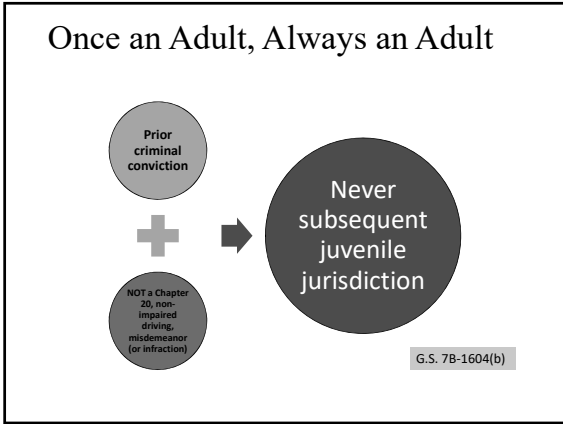
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Offense recodification

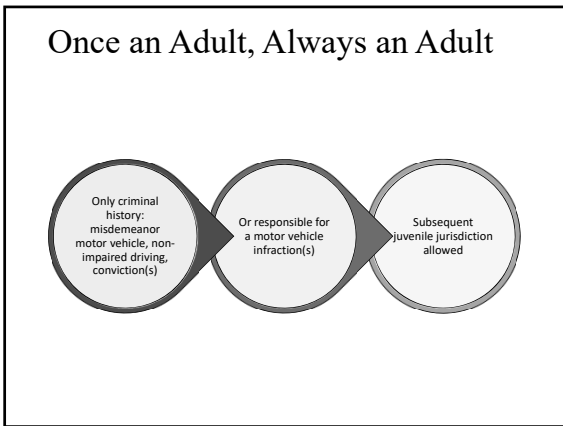
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graph LR; A["G.S. 20-106  
Receiving or transferring stolen vehicles"] --> B["G.S. 14-71.2  
Receiving or transferring stolen vehicles"];
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Which system has jurisdiction?

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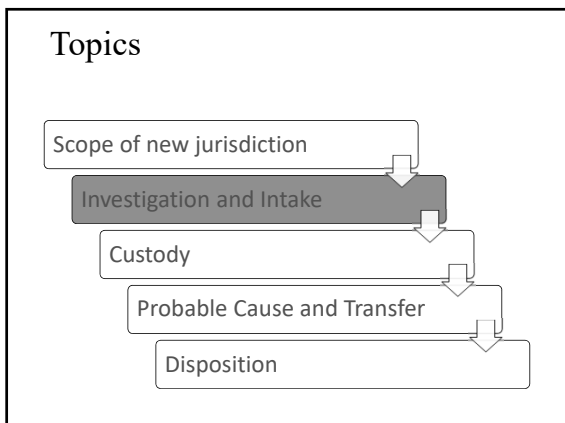
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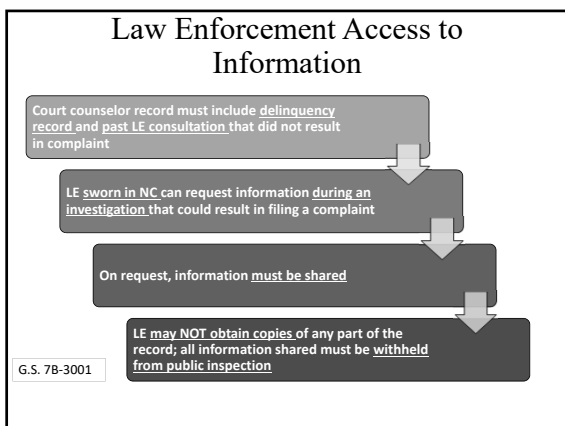
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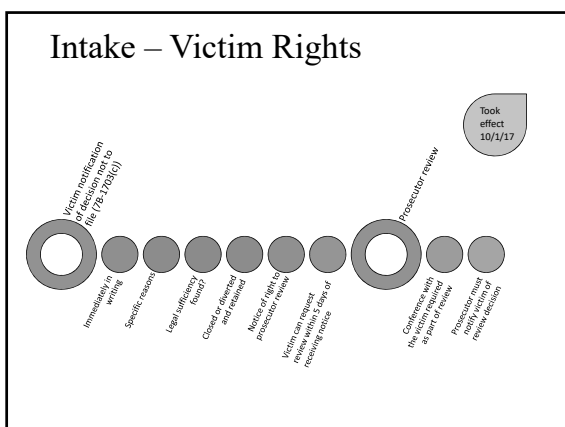
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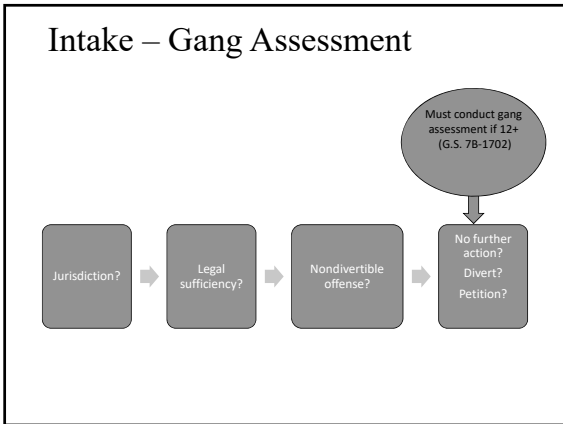
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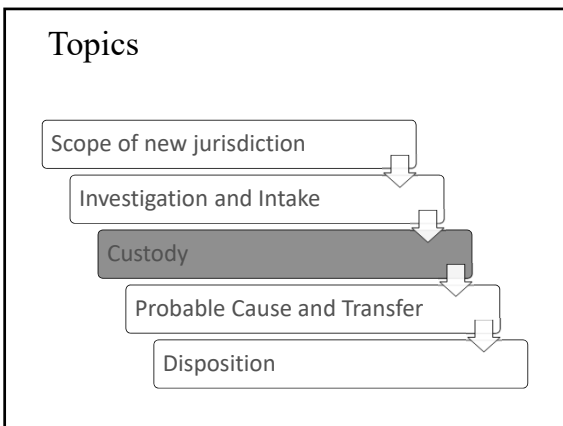
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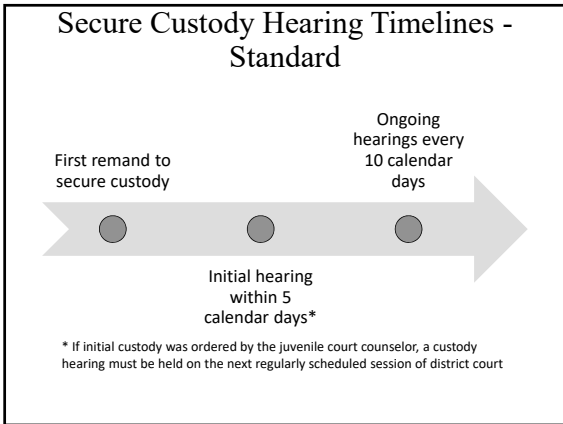
Place of Secure Custody

Any youth under juvenile jurisdiction must be housed in a juvenile detention facility*

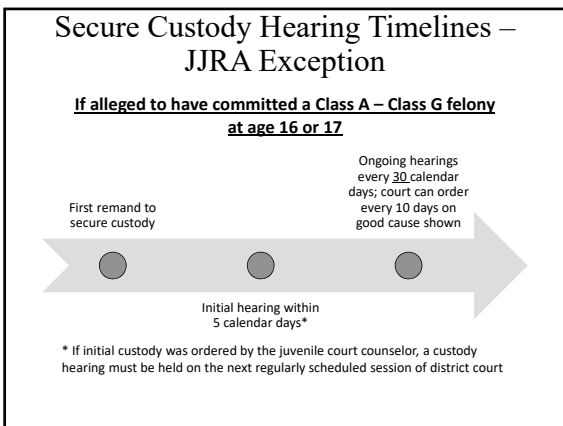


*limited exceptions for use of holdover facilities if charged with Class A – E felonies, for up to 72 hours, and for people for whom a petition is not filed until after they have aged out of juvenile jurisdiction. G.S. 7B-1905.

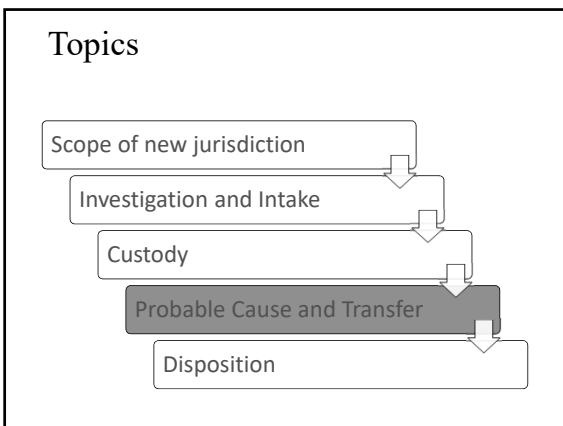
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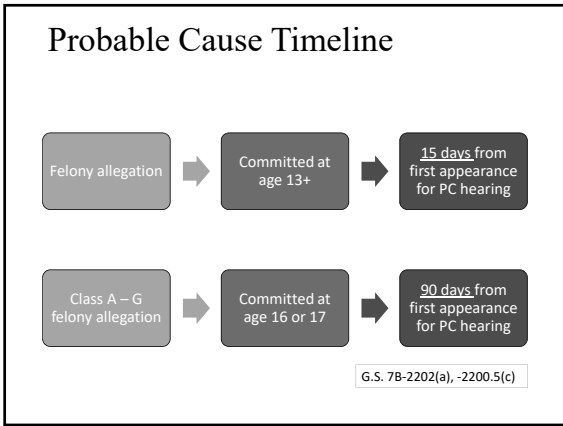
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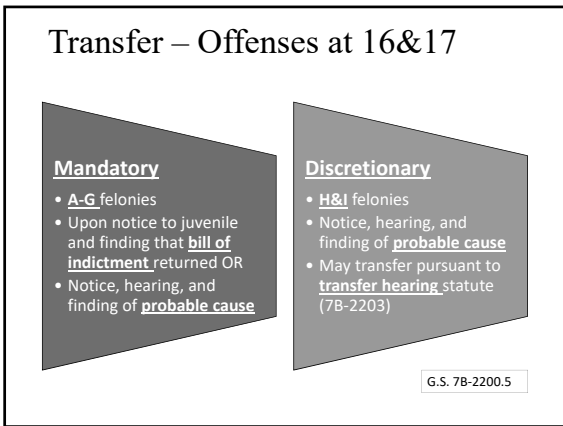
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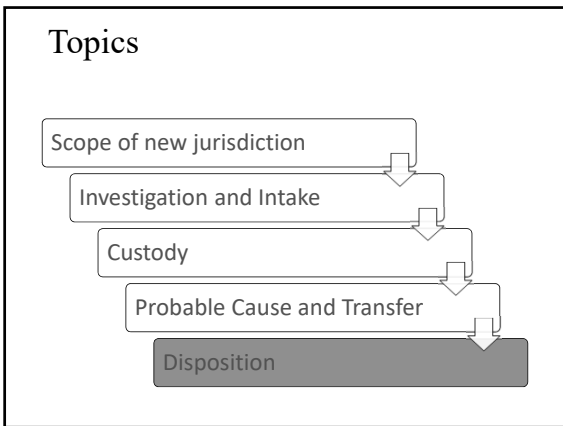
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Disposition - Options

Can order these dispositions only for juveniles under 18

1. Supervision in own home by DSS, JCC, or other
2. Placement in custody of parent, guardian, custodian, relative, private agency, or other suitable person
3. Placement in DSS custody

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Disposition – YDC commitments

Maximum Commitment Period by Age

Offense at age <u>16</u> Commitment term cannot exceed juvenile's <u>19th birthday</u>	Offense at age <u>17</u> Commitment term cannot exceed juvenile's <u>20th birthday</u>
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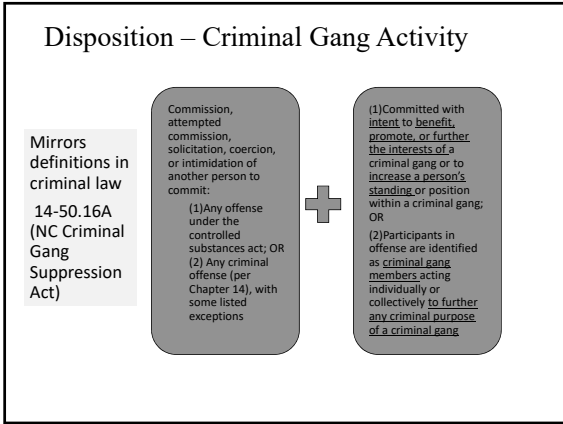
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Disposition – Criminal Gang Activity

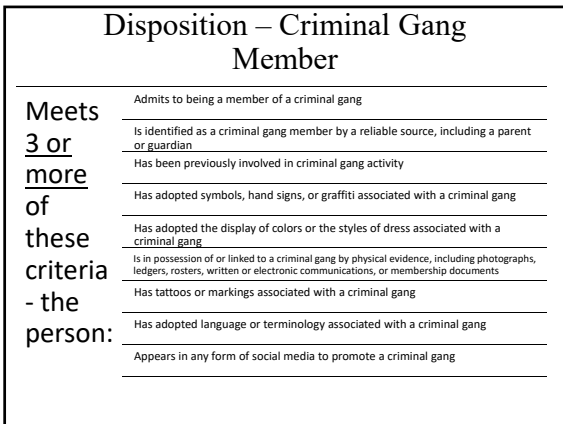
Offense class + delinquency history level = Level X

Level X + 1 for disposition

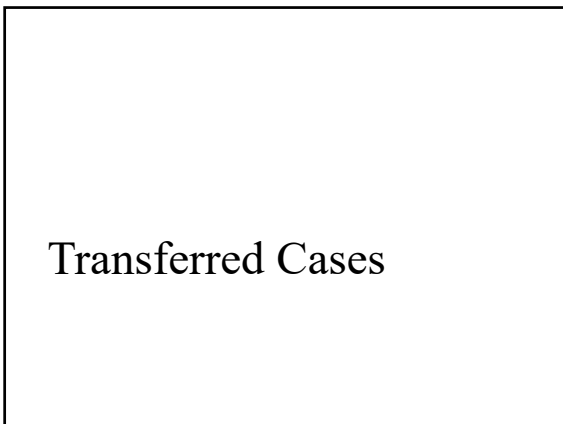
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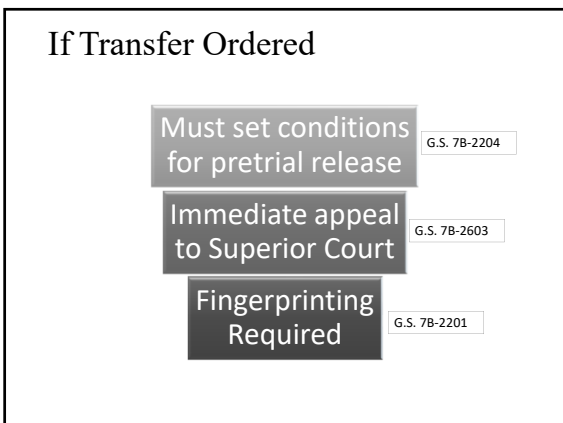
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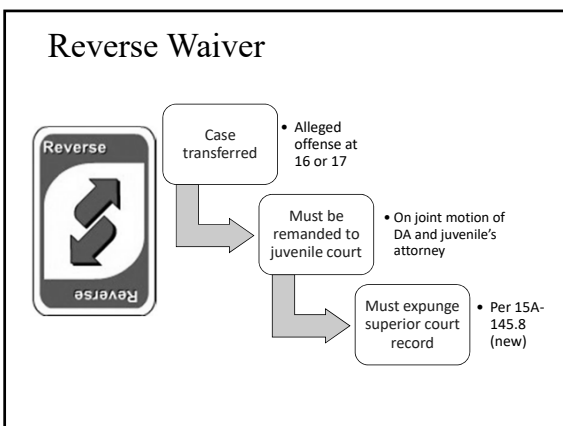
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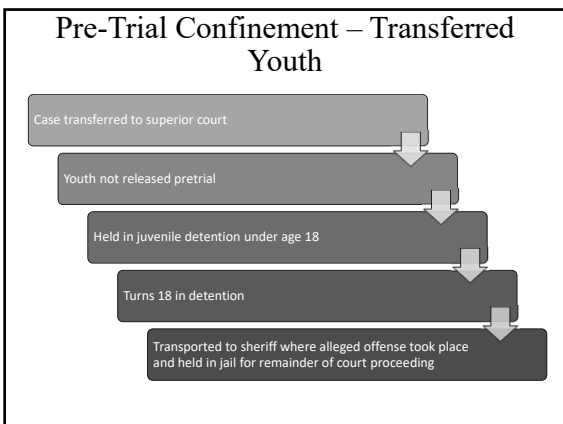
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Transportation




Juvenile Justice transports any person under juvenile jurisdiction to/from any state or local juvenile facility






Juvenile Justice, or personnel approved by Juvenile Justice, transport transferred youth who are in juvenile detention between court, holdover facilities, if used, and detention



Juvenile Justice, or personnel approved by Juvenile Justice, transport transferred youth to sheriff when juvenile reaches age 18



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JJRA and Other Statutes

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New Delinquent Acts at 16/17

<p>§ 14-12.7. Wearing of masks, hoods, etc., on public ways.</p> <p>§ 14-12.9. Entry, etc., upon premises of another while wearing mask, hood or other disguise.</p> <p>§ 14-12.10. Holding meetings or demonstrations while wearing masks, hoods, etc.</p> <p>§ 14-74. Larceny by servants and other employees.</p> <p>§ 14-90. Embezzlement of property received by virtue of office or employment.</p> <p>§ 14-178. Incest.</p> <p>§ 14-202.1. Taking indecent liberties with children.</p> <p>§ 14-202.3. Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act.</p>	<p>The following provisions of the North Carolina Criminal Gang Suppression Act:</p> <ul style="list-style-type: none"> • § 14-50.17. Soliciting; encouraging participation. • § 14-50.18. Soliciting; encouraging participation; minor. • § 14-50.19. Intimidation to deter from gang withdrawal. • § 14-50.20. Punishment or retaliation for gang withdrawal.
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JJRA and Related Statutes


Crime and Contempt Changes Age threshold for contributing to the delinquency of a minor raised to 18 (G.S. 14-316.1)


Contempt by a minor will include those under 18 (G.S. 5A-31(a))

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JJRA and Related Statutes

Existing law extended to incorporate new transfer statute

 School notification

 Sex offender registration

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JJRA and Related Statutes

Compulsory school attendance (7-16) → Unchanged ← Emancipation (no juvenile jurisdiction)

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Consent to Medical Care – Under 18

Generally, consent of parent, guardian, custodian, or person in loco parentis is required

Minors who have decisional capacity can consent for prevention, diagnosis, and treatment of:

- venerable disease and any other reportable communicable disease
- pregnancy
- abuse of controlled substances or alcohol
- emotional disturbance


Emergency exception
G.S. 90-21.1

Judicial waiver process for abortion
G.S. 90-21.7

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Consent to Medical Care – 18+

Adolescents can consent for all of their own medical care at age 18



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School-Justice Partnerships

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School-Justice Partnerships

Why?

- 40% of current juvenile justice system referrals come from schools
- SJP's focus on timely and constructive responses to low level student misbehavior without the need for justice system referral



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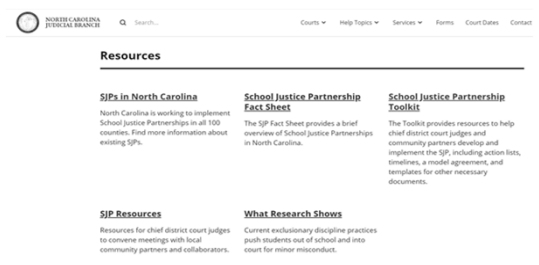
School-Justice Partnerships

"Judicial leadership is a key component of the successful implementation of an SJP. Therefore, it is the policy of the NCAOC that chief district court judges will use their authority as "conveners" to bring key stakeholders together within their local communities to develop and implement an SJP Memorandum of Understanding"

NCAOC Policy on School Justice Partnerships and the Role of Chief District Court Judges as Conveners
August 1, 2019

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School-Justice Partnerships



<https://www.nccourts.gov/programs/school-justice-partnership>

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