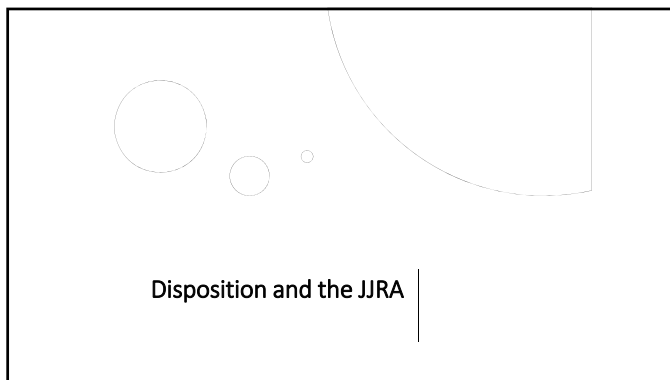
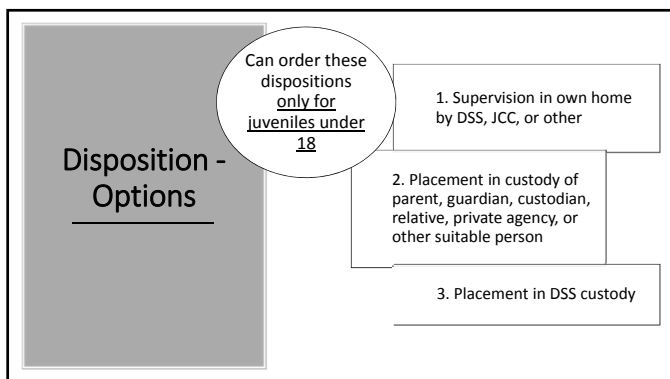




1



2




3

Can dispositions ordered under age 18 continue after the juvenile's 18th birthday?

Delinquency and DSS Custody – Take Two
<https://civil.sog.unc.edu/delinquency-and-dss-custody-take-two/>

Delinquency and DSS Custody without Abuse, Neglect, or Dependency: How Does That Work?
https://www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/2019-07-19%2020190464_ILB_201902.pdf



4

Disposition – YDC commitments


Maximum Commitment Period by Age

<p>Offense at age <u>16</u></p> <p>Commitment term cannot exceed juvenile's <u>19th birthday</u></p>	<p>Offense at age <u>17</u></p> <p>Commitment term cannot exceed juvenile's <u>20th birthday</u></p>
-----------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------

5

Disposition – Criminal Gang Activity

Offense class + delinquency history level = Level X



Level X + 1 for disposition

6

Disposition – Criminal Gang Activity

Mirrors definitions in criminal law 14-50.16A (NC Criminal Gang Suppression Act)

Commission, attempted commission, solicitation, coercion, or intimidation of another person to commit:

(1) Any offense under the controlled substances act; OR

(2) Any criminal offense (per Chapter 14), with some listed exceptions

+

(1) Committed with intent to benefit, promote, or further the interests of a criminal gang or to increase a person's standing or position within a criminal gang; OR

(2) Participants in offense are identified as criminal gang members acting individually or collectively to further any criminal purpose of a criminal gang

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Disposition – Criminal Gang Member

3 or more of these criteria - the person:

- Identified as a criminal gang member by a reliable source, including a parent or guardian
- Has been previously involved in criminal gang activity
- Has adopted symbols, hand signs, or graffiti associated with a criminal gang
- Has adopted the display of colors or the styles of dress associated with a criminal gang
- Is in possession of or linked to a criminal gang by physical evidence, including photographs, ledgers, rosters, written or electronic communications, or membership documents
- Has tattoos or markings associated with a criminal gang
- Has adopted language or terminology associated with a criminal gang
- Appears in any form of social media to promote a criminal gang

G.S. 7B-2508.1(3)

**Criminal
Gang
Member**

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Excluded Offenses

Table 5.3. Offenses Excluded from Criminal Gang Activity Definition*

Offense	G.S. Citation
Hazing	G.S. Article 9
Trespassing upon "posted" property to hunt, fish, trap, or remove pine needles/straw	G.S. Article 22A
Protection of the Family (abandonment and failure to support child)	G.S. Article 40
Regulation of landlord and tenant	G.S. Article 46
Public intoxication	G.S. Article 59
Taking horses, mules, or dogs for temporary purposes	G.S. 14-82
Unlawful posting of advertisements	G.S. 14-145
Bigamy	G.S. 14-183
Fornication and adultery	G.S. 14-184
Opposite sexes occupying same bedroom at hotel for immoral purposes; falsely registering as husband and wife	G.S. 14-186
Indecent exposure	G.S. 14-190.9
Private use of publicly owned vehicle	G.S. 14-247
Obtaining repairs and supplies for private vehicle at public expense	G.S. 14-248
Youth access to tobacco products, tobacco-derived products, vapor products, and cigarette wrapping papers	G.S. 14-313

9

Constitutional Implications

“The Sixth Amendment guarantees defendant the right to be informed of the charges against him and, specifically, any fact that could increase the maximum penalty beyond that for the crime charged in the indictment.”

State v. Williams, 786 S.E.2d 419, 423 (2016)

10

NC Criminal Gang Suppression Act Notice

§ 15A-1340.16E. Enhanced sentence for offenses committed by criminal gang members as a part of criminal gang activity.

(d) An indictment or information for the felony shall allege in that indictment or information the facts that qualify the offense for an enhancement under this section.

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Disposition – Delinquency History Points

Previous misdemeanor conviction for death by vehicle

+2 Points

12
