

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 793
SENATE BILL 843

AN ACT TO REQUIRE THE DISTRICT COURT TO HOLD A HEARING TO DETERMINE
WHETHER AN ADJUDICATED JUVENILE'S CONDITIONAL RELEASE SHOULD
BE REVOKED.

Whereas, the General Assembly recognizes the need for due process in the procedure for revocation of conditional release of juveniles committed to the Department of Correction; and

Whereas, the General Court of Justice through its juvenile justice system has particular expertise in the area of juvenile law; Now, therefore,

The General Assembly of North Carolina enacts:

Sec. 1. Article 23 of Chapter 7A of the General Statutes of North Carolina is amended by adding a new section G.S. 7A-286.1 to read as follows:

"§ 7A-286.1. Revocation of conditional release hearings. — The district court having jurisdiction over a juvenile on conditional release from a Department of Human Resources institution or agency shall hold a conditional release revocation hearing upon motion for review from the juvenile's court counselor or the Secretary of the Department of Human Resources or his designee. If the district court finds that the juvenile has violated the terms of his conditional release the court may revoke said conditional release or make any other disposition that the court feels to be in the best interest of the child.

With respect to any hearing pursuant to this Article, the juvenile:

(a) Shall have reasonable notice in writing of the nature and content of the allegations in the petition, including notice that the purpose of the hearing is to determine whether the juvenile has violated the terms of his conditional release to the extent that his conditional release should be revoked.

(b) Shall be permitted to be represented by legal counsel at the hearing. If the juvenile shall be found to be indigent, the provisions of G.S. 7A-450 will apply.

(c) Shall have the right to confront and cross-examine any persons who have made allegations against him, unless the court determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons.

(d) May admit, deny or explain the violation alleged and may present proof, including affidavits or other evidence, in support of his contentions. A record of the proceeding shall be made and preserved in the child's juvenile record."

Sec. 2. All laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.