

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1686
Committee Substitute Favorable 5/2/07

Short Title: Juvenile Justice Commission Established.

(Public)

Sponsors:

Referred to:

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA STUDY COMMISSION ON JUVENILE JUSTICE; TO REPEAL THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION; AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 32.

"The North Carolina Study Commission on Juvenile Justice.

"§ 120-280. Creation and purpose of the North Carolina Study Commission on Juvenile Justice.

There is established the North Carolina Study Commission on Juvenile Justice to study and evaluate the existing system of juvenile justice and to recommend an improved system to protect the public and meet the needs of undisciplined and delinquent juveniles. This study shall be a continuing one and the evaluation ongoing.

"§ 120-281. Commission duties.

The North Carolina Study Commission on Juvenile Justice shall:

- (1) Study the needs of juveniles who have been adjudicated undisciplined or delinquent or who are at risk of becoming undisciplined or delinquent.
- (2) Evaluate State and local programs that provide prevention and rehabilitation services to juveniles who have been adjudicated undisciplined or delinquent or who are at risk of becoming undisciplined or delinquent.
- (3) Review the diversion programs within the Department of Juvenile Justice and Delinquency Prevention.
- (4) Evaluate and recommend changes to the education system within the juvenile facilities.

- 1 (5) Collect data on, and develop a comprehensive database relating to,
2 juveniles who have been adjudicated delinquent or undisciplined or
3 who are at risk of becoming delinquent or undisciplined, which may be
4 used to facilitate both short- and long-range planning for services for
5 those juveniles, including for the delivery of services.
- 6 (6) Review the use of funds awarded as grants by the State and local
7 Juvenile Crime Prevention Councils.
- 8 (7) Collect data on and measure the proportion of African-Americans and
9 other racial and ethnic minorities in the juvenile justice system,
10 including the racial and ethnic minorities who are adjudicated
11 delinquent and placed in the custody of the Department of Juvenile
12 Justice and Delinquency Prevention. If the Commission finds that
13 there is a disproportionate participation of African-Americans or other
14 racial or ethnic minorities in the juvenile justice system, the
15 Commission shall study, evaluate, and recommend actions to eliminate
16 the disproportionate participation of those minorities in the juvenile
17 justice system. The Commission shall also track corrective actions or
18 measures adopted pursuant to recommendation of the Commission.
- 19 (8) Study, evaluate, and recommend changes to the North Carolina
20 General Statutes relating to juvenile justice.
- 21 (9) Study, evaluate, and recommend action regarding reports received by
22 the Commission.
- 23 (10) Study, evaluate, and recommend any changes proposed for future
24 development of the juvenile justice system of the State.

25 **"§ 120-282. Commission membership; terms; vacancies.**

26 The North Carolina Study Commission on Juvenile Justice shall consist of 17
27 members as follows:

- 28 (1) The Secretary of the Department of Juvenile Justice and Delinquency
29 Prevention or that person's designee shall serve ex officio as a
30 nonvoting member.
- 31 (2) Eight members appointed by the General Assembly upon the
32 recommendation of the President Pro Tempore of the Senate as
33 follows:
- 34 a. Four persons who are members of the Senate at the time of their
35 appointment.
- 36 b. One chief juvenile court counselor.
- 37 c. One juvenile defense attorney.
- 38 d. One person who is a member of a Juvenile Crime Prevention
39 Council.
- 40 e. One youth counselor employed by the Department of Juvenile
41 Justice and Delinquency Prevention at a youth development
42 center.

1 (3) Eight members appointed by the General Assembly upon the
2 recommendation of the Speaker of the House of Representatives as
3 follows:

- 4 a. Four persons who are members of the House of Representatives
5 at the time of their appointment.
6 b. One substance abuse professional with experience working with
7 juveniles.
8 c. One district attorney or assistant district attorney with
9 experience in juvenile court.
10 d. One district court judge.
11 e. One member of a local law enforcement agency.

12 Any vacancy shall be filled by the appointing authority that made the initial
13 appointment. The appointing authority shall fill the vacancy by appointing a person
14 having the same qualifications. All initial appointments shall be made within one
15 calendar month from the effective date of this Article. Members' terms shall last for two
16 years. Members may be reappointed for two consecutive terms and may be appointed
17 again after having been off the Commission for two years. Members appointed as
18 members of the House of Representatives or the Senate may serve a full term of two
19 years from the date of the appointment regardless of their status as members of the
20 General Assembly; however, they may not be reappointed unless they are still members
21 of the General Assembly at the time of the reappointment.

22 **"§ 120-283. Commission meetings.**

23 The Commission shall have its initial meeting no later than January 31, 2008, at the
24 call of the President Pro Tempore of the Senate and the Speaker of the House of
25 Representatives. The President Pro Tempore of the Senate and the Speaker of the House
26 of Representatives shall appoint a cochair each from the membership of the
27 Commission. The Commission shall meet at least once a quarter and may meet at other
28 times upon the call of the cochairs. A majority of the members of the Commission shall
29 constitute a quorum for the transaction of business. The affirmative vote of a majority of
30 the members present at meetings of the Commission shall be necessary for action to be
31 taken by the Commission.

32 **"§ 120-284. Member reimbursement.**

33 The Commission members shall receive no salary as a result of serving on the
34 Commission but shall receive necessary subsistence and travel expenses in accordance
35 with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

36 **"§ 120-285. Public hearings.**

37 The Commission may hold public meetings across the State to solicit public input
38 with respect to issues related to juvenile justice in North Carolina.

39 **"§ 120-286. Assistance from other agencies.**

40 The Commission may obtain information and data from all State officers, agents,
41 agencies, and departments, while in the discharge of its duties, pursuant to the
42 provisions of G.S. 120-19, as if it were a committee of the General Assembly. The
43 Commission may also call witnesses, compel testimony relevant to any matter properly
44 before the Commission, and subpoena records and documents, provided that any patient

1 record shall have patient identifying information removed. The provisions of
2 G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission
3 as if it were a joint committee of the General Assembly. In addition to the other
4 signatures required for the issuance of a subpoena under this section, the subpoena shall
5 also be signed by the cochairs of the Commission. Any cost of providing information to
6 the Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission
7 from funds appropriated to it for its continuing study.

8 **"§ 120-287. Commission subcommittees.**

9 The Commission cochairs may establish subcommittees for the purpose of making
10 special studies pursuant to the Commission's duties and may appoint members who are
11 not members of the Commission to serve on each subcommittee as resource persons.
12 Resource persons shall be voting members of the subcommittee and shall receive
13 subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6, as
14 applicable.

15 **"§ 120-288. Commission reports.**

16 The Commission shall report to the General Assembly and the Governor the results
17 of its study and recommendations. A written report shall be submitted to each biennial
18 session of the General Assembly at its convening.

19 **"§ 120-289. Commission staff and meeting place.**

20 The Commission may contract for clerical or professional staff or for any other
21 services it may require in the course of its ongoing study. At the request of the
22 Commission, the Legislative Services Commission may supply members of the staff of
23 the Legislative Services Office and clerical assistance to the Commission as the
24 Legislative Services Commission considers appropriate.

25 The Commission may, with the approval of the Legislative Services Commission,
26 meet in the State Legislative Building or the Legislative Office Building."

27 **SECTION 2.** G.S. 120-70.94 reads as rewritten:

28 **"§ 120-70.94. Purpose and powers of Committee.**

29 (a) ~~The Joint Legislative Corrections, Crime Control, and Juvenile Justice~~
30 ~~Corrections and Crime Control Oversight Committee shall examine, on a continuing~~
31 ~~basis, the correctional, law enforcement, and juvenile justice correctional and law~~
32 ~~enforcement systems in North Carolina, in order to make ongoing recommendations to~~
33 ~~the General Assembly on ways to improve those systems and to assist those systems in~~
34 ~~realizing their objectives of protecting the public and of punishing and rehabilitating~~
35 ~~offenders. In this examination, the Committee shall:~~

36 (1) Study the budget, programs, and policies of the Departments of
37 ~~Correction, Crime Control and Public Safety, and Juvenile Justice and~~
38 ~~Delinquency Prevention~~ Correction and Crime Control and Public
39 Safety to determine ways in which the General Assembly may
40 improve the effectiveness of those Departments;

41 (2) Examine the effectiveness of the Department of Correction in
42 implementing the public policy stated in G.S. 148-26 of providing
43 work assignments and employment for inmates as a means of reducing
44 the cost of maintaining the inmate population while enabling inmates

1 to acquire or retain skills and work habits needed to secure honest
2 employment after their release;

3 (2a) Examine the effectiveness of the Department of Crime Control and
4 Public Safety in implementing the duties and responsibilities charged
5 to the Department in G.S. 143B-474 and the overall effectiveness and
6 efficiency of law enforcement in the State; and

7 ~~(2b) Examine the effectiveness of the Department of Juvenile Justice and~~
8 ~~Delinquency Prevention in implementing the duties and~~
9 ~~responsibilities charged to the Department in Article 12 of Chapter~~
10 ~~143B of the General Statutes and the overall effectiveness and~~
11 ~~efficiency of the juvenile justice system in the State; and~~

12 (3) Study any other matters that the Committee considers necessary.

13 (b) The Committee may make interim reports to the General Assembly on
14 matters for which it may report to a regular session of the General Assembly. A report
15 to the General Assembly may contain any legislation needed to implement a
16 recommendation of the Committee."

17 **SECTION 3.** The Revisor of Statutes shall substitute the term "Joint
18 Legislative Corrections and Crime Control Oversight Committee" for the term "Joint
19 Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee"
20 everywhere that term appears in the General Statutes, except for the section of the
21 General Statutes amended in this act.

22 **SECTION 4.** Part 7 of Article 12 of Chapter 143B of the General Statutes,
23 G.S. 143B-556 and G.S. 143B-557, is repealed. G.S. 143B-515(20) is repealed.

24 **SECTION 5.** G.S. 143B-516(f) reads as rewritten:

25 "(f) The Department shall develop a cost-benefit model for each State-funded
26 program. Program commitment and recidivism rates shall be components of the model.
27 ~~In developing the model, the Department shall consider the recommendations of the~~
28 ~~State Advisory Council on Juvenile Justice and Delinquency Prevention."~~

29 **SECTION 6.** This act is effective when it becomes law.