

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-56
SENATE BILL 1358**

AN ACT TO ADOPT A STRATEGIC APPROACH TO PREVENT YOUTH INVOLVEMENT IN STREET GANG ACTIVITY, AND TO BE ENTITLED THE "NORTH CAROLINA STREET GANG PREVENTION AND INTERVENTION ACT."

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "North Carolina Street Gang Prevention and Intervention Act."

SECTION 2. G.S. 143B-543 reads as rewritten:

"§ 143B-543. Legislative intent.

It is the intent of the General Assembly to prevent juveniles who are at risk from becoming delinquent. The primary intent of this Part is to develop community-based alternatives to youth development centers and to provide community-based ~~delinquency~~ delinquency, and substance abuse ~~abuse, and gang~~ prevention strategies and programs. Additionally, it is the intent of the General Assembly to provide noninstitutional dispositional alternatives that will protect the community and the juveniles.

These programs and services shall be planned and organized at the community level and developed in partnership with the State. These planning efforts shall include appropriate representation from local government, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in youth problems, youth representatives, and others as may be appropriate in a particular community. The planning bodies at the local level shall be the Juvenile Crime Prevention Councils."

SECTION 3. G.S. 143B-549 reads as rewritten:

"§ 143B-549. Powers and duties.

(a) Each County Council shall review annually the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. In particular, each County Council shall assess the needs of juveniles in the county who are at risk or who have been associated with gangs or gang activity, and the local resources that are established to address those needs. The Council shall develop and advertise a request for proposal process and submit a written plan of action for the expenditure of juvenile sanction and prevention funds to the board of county commissioners for its approval. Upon the county's authorization, the plan shall be submitted to the Department for final approval and subsequent implementation.

(b) Each County Council shall ensure that appropriate intermediate dispositional options are available and shall prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the Department.

(c) On an ongoing basis, each County Council shall:

(1) Assess the needs of juveniles in the community, evaluate the adequacy of resources available to meet those needs, and develop or propose ways to address unmet needs.

- (2) Evaluate the performance of juvenile services and programs in the community. The Council shall evaluate each funded program as a condition of continued funding.
- (3) Increase public awareness of the causes of delinquency and of strategies to reduce the problem.
- (4) Develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through appropriate risk assessment instruments.
- (5) Provide funds for services for treatment, counseling, or rehabilitation for juveniles and their families. These services may include court-ordered parenting responsibility classes.
- (6) Plan for the establishment of a permanent funding stream for delinquency prevention services.
- (7) Develop strategies to intervene and appropriately respond to the needs of juveniles who have been associated with gang activity or who are at risk of becoming associated with gang activity.

(d) The Councils may examine the benefits of joint program development between counties within the same judicial district."

SECTION 4. G.S. 143B-557 reads as rewritten:

"§ 143B-557. Powers and duties of the Council.

The State Council shall have the following powers and duties:

- (1) Advise the Department in the review of the State's juvenile justice planning, the development of the community juvenile justice councils, and the development of a formula for the distribution of funds to Juvenile Crime Prevention Councils.
- (2) Advise all State agencies serving juveniles for the purpose of developing a consistent philosophy with regard to providing services to juveniles and promoting collaboration and the efficient and effective delivery of services to juveniles and families through State, local, and district programs and fully address problems of collaboration across State agencies with the goal of serving juveniles.
- (3) Review and comment on juvenile justice, delinquency prevention, gang prevention, and juvenile services grant applications prepared for submission under any federal grant program by any governmental entity of the State.
- (4) Review the juvenile justice system's operation and prioritization of funding needs.
- (5) Review the progress and accomplishment of State and local juvenile justice, delinquency prevention, and juvenile services projects.
- (5a) Review the level of gang activity throughout the State and assess the progress and accomplishments of the State, and of local governments, in preventing gangs and addressing the needs of juveniles who have been identified as being associated with gang activity.
- (6) Develop recommendations concerning the establishment of priorities and needed improvements with respect to juvenile justice, delinquency prevention, gang prevention, and juvenile services and report its recommendations to the General Assembly on or before March 1 each year.
- (7) Review and comment on the proposed budget for the Department."

SECTION 5. The Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Joint Legislative Education Oversight Committee by December 1, 2008, on:

- (1) The prevalence of school violence and gang activity;

- (2) The use of Department Juvenile Crime Prevention Council programs for out-of-school suspension alternative learning programs for students who are identified as being associated with gangs;
- (3) Current programs that are designed to educate school personnel and parents on signs that a student may be involved or associated with a gang;
- (4) Effective practices for reducing school violence and gang activity that have been successfully implemented in other states; and
- (5) Any findings and recommendations, including any proposed legislation, for further implementation and coordination between the Department of Juvenile Justice and Delinquency Prevention and the Department of Public Instruction to address issues related to prevention and intervention of youth gang activity.

SECTION 6. The Department of Crime Control and Public Safety shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee by December 1, 2008, on the protocols and procedures used to enter identifying information of juveniles in the GangNet database system. The report shall include any recognized standards for continuing the listing of juveniles in the database, the benefits, if any, of maintaining juvenile listings for extended periods, and any recommendations concerning the listing of juveniles in GangNet.

SECTION 7. The Governor's Crime Commission shall develop the criteria for eligibility for funds appropriated for gang prevention and intervention. The criteria shall include a matching requirement of twenty-five percent (25%), one-half of which may be in in-kind contributions, and presentation of a written plan for the services to be provided by the funds. Funds shall be available to public and private entities or agencies for juvenile and adult programs that meet the criteria established by the Governor's Crime Commission. The Commission shall identify the cities and towns that do not have full-time parks and recreation staff, and provide targeted outreach and information to public and private agencies, and non-profit organizations, in those cities, towns, and unincorporated areas about their eligibility for these funds.

The Governor's Crime Commission shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by April 15, 2009, on this program. The report shall include all of the following:

- (1) The grant award process.
- (2) A description of each grant awarded.
- (3) The performance criteria for evaluating grant programs.
- (4) A list of State grants awarded in the 2008 grant cycle.

SECTION 8. Section 7 of this act becomes effective July 1, 2008. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 25th day of June, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:14 a.m. this 6th day of July, 2008