

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 173

Short Title: Housing Juveniles Under 18 in County Facility. (Public)

Sponsors: Senators Robinson, McKissick, Lowe (Primary Sponsors); Bryant and Smith-Ingram.

Referred to: Rules and Operations of the Senate

March 2, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PERSONS UNDER THE AGE OF EIGHTEEN SHOULD NOT BE HOUSED IN A LOCAL CONFINEMENT FACILITY OCCUPIED BY PERSONS AGE EIGHTEEN AND OLDER UNLESS A SIGHT AND SOUND BARRIER EXISTS BETWEEN THE PERSONS UNDER THE AGE OF EIGHTEEN AND THE OLDER PERSONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-218 reads as rewritten:

**"§ 153A-218. County confinement facilities.**

(a) A county may establish, acquire, erect, repair, maintain, and operate local confinement facilities and may for these purposes appropriate funds not otherwise limited as to use by law. A juvenile detention facility may be located in the same facility as a county jail provided that the juvenile detention facility meets the requirements of this Article and ~~G.S. 147-33.40.~~G.S. 143B-817.

(b) Notwithstanding the provisions of subsection (a) of this section, persons under the age of 18 shall not be housed in the same local confinement facility as persons age 18 and older unless, in the judgment of the custodian based on facts other than the underlying offense with which the juvenile is charged, the juvenile has demonstrated that the juvenile is a threat to the security or safety of other juveniles detained or the staff of the home or the facility. A judge shall determine whether such juvenile may be transferred to a jail or other facility for the detention of adults. If persons under the age of 18 are housed in the same local confinement facility as persons age 18 and older, then a complete sight and sound barrier shall be erected and maintained between the persons under the age of 18 and the persons age 18 and older. The provisions of this subsection apply regardless of whether the persons under the age of 18 are confined pursuant to Chapter 7B of the General Statutes or Chapter 15A of the General Statutes."

**SECTION 2.** This act is effective when it becomes law and applies to Requests for Proposals for letting of public contracts issued on or after that date.

