

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 691  
HOUSE BILL 1101

AN ACT TO MODIFY THE PROVISIONS FOR SENTENCING PERSONS CONVICTED  
OF A FELONY TO CENTRAL PRISON WHEN THE PERSON IS UNDER SIXTEEN  
YEARS OF AGE.

The General Assembly of North Carolina do enact:

**Section 1.** G.S. 148-28 is hereby amended to read as follows:

"The several judges of the superior courts of this State are hereby given express authority in passing sentence upon persons convicted of a felony, when, in their opinion, the nature of the offense or the character or condition of the defendant makes it advisable to do so, to sentence such person to the central prison at Raleigh, and thereupon a sheriff or other appropriate officer of the county shall cause such prisoner to be delivered with the proper commitment papers to the warden of the central prison. Provided, that a person under sixteen years of age convicted of a felony shall not be sentenced to or imprisoned in the central prison at Raleigh unless (1) said person was convicted of a capital felony or (2) has previously been imprisoned in a county jail or under the authority of the Department of Correction upon conviction of a felony. This provision shall not limit the authority of the Commissioner of Correction from transferring a person under sixteen years of age to central prison when in the Commissioner's determination this person would not benefit from confinement in separate facilities for youthful offenders or when it has been determined that his presence would be detrimental to the implementation of programs designed for the benefit of other youthful offenders. Nor shall this provision limit the authority of the judges of the superior courts of this State or the Commissioner of Correction from committing or transferring a person under sixteen years of age to central prison for medical or psychiatric treatment."

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June,  
1971.