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HOUSE BILL 186
Committee Substitute Favorable 3/15/23
Committee Substitute #2 Favorable 4/10/23
Committee Substitute #3 Favorable 4/18/23

Short Title: Div. of Juvenile Justice Mods.-AB

(Public)

Sponsors:

Referred to:

February 27, 2023

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE SERVICE OF SUMMONS FOR JUVENILE PETITIONS, TO CLARIFY THE PROCESS FOR COURT-ORDERED EVALUATIONS FOR JUVENILES, TO MODIFY THE DISCLOSURE OF CERTAIN INFORMATION TO THE PUBLIC CONCERNING JUVENILES, TO CLARIFY MINORITY SENSITIVITY TRAINING FOR LAW ENFORCEMENT PERSONNEL, TO CLARIFY JUVENILE DETENTION TRANSFER, AND TO MAKE VARIOUS TECHNICAL AND CONFORMING CHANGES, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF JUVENILE JUSTICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1806 reads as rewritten:

"§ 7B-1806. Service of summons.

The summons and petition shall be personally served upon the parent, the guardian, or custodian and the juvenile not less than five days prior to the date of the scheduled hearing. The time for service may be waived in the discretion of the court. A juvenile court counselor or any other person authorized by law may serve and complete juvenile process under this section, and as provided in G.S. 143B-831. A defense of lack of personal jurisdiction or insufficiency of service of process is waived if a parent, guardian, or custodian and juvenile avail themselves to the court and an objection is not raised at the initial court appearance.

If the parent, guardian, or custodian entitled to receive a summons cannot be found by a diligent effort, the court may authorize service of the summons and petition by mail or by publication. The cost of the service by publication shall be advanced by the petitioner and may be charged as court costs as the court may direct.

The court may issue a show cause order for contempt against a parent, guardian, or custodian who is personally served and fails without reasonable cause to appear and to bring the juvenile before the court.

The provisions of G.S. 15A-301(a), (c), (d), and (e) relating to criminal process apply to juvenile process; provided the period of time for return of an unserved summons is 30 days."

SECTION 2. G.S. 7B-2502 reads as rewritten:

"§ 7B-2502. Evaluation and treatment of undisciplined and delinquent juveniles.

(a) In any case, the court may order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of the juvenile. Upon the completion of the examination, the court may conduct a hearing to determine whether the juvenile is in need of medical, surgical, psychiatric,



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1 psychological, or other evaluation or treatment and the court may order the juvenile to comply
2 with any evaluation or treatment recommended by the examination.

3 (a1) In the case of a juvenile adjudicated delinquent for committing an offense that
4 involves the possession, use, sale, or delivery of alcohol or a controlled substance, the court shall
5 require the juvenile to be tested for the use of controlled substances or alcohol within 30 days of
6 the adjudication. In the case of any juvenile adjudicated delinquent, the court may, if it deems it
7 necessary, require the juvenile to be tested for the use of controlled substances or alcohol. The
8 results of these initial tests conducted pursuant to this subsection shall be used for evaluation and
9 treatment purposes only. In placing a juvenile in out-of-home care under this section, the court
10 shall also consider whether it is in the juvenile's best interest to remain in the juvenile's
11 community of residence.

12 (a2) In the case of a juvenile who has been identified with a suspected mental ~~illness,~~
13 illness through the use of a validated screening instrument or other evidence presented to the
14 court, or a suspected developmental disability, disability or intellectual disability-disability, that
15 has been adjudicated delinquent, the court shall order that the Division of Juvenile Justice of the
16 Department of Public Safety make a referral for a comprehensive clinical assessment or
17 equivalent mental health assessment, unless the court finds a comprehensive clinical assessment
18 or equivalent mental health assessment has been conducted within the last ~~45-90~~ days before the
19 ~~adjudication-disposition~~ hearing. An assessment ordered by a court under this subsection shall
20 evaluate the developmental, emotional, behavioral, and mental health needs of the juvenile.

21 (a3) If an assessment is ordered by the court under subsection (a2) of this ~~section,~~ section
22 or if an assessment has been conducted within the last 90 days before the disposition hearing, the
23 court shall review the comprehensive clinical assessment or equivalent mental health assessment
24 prior to the ~~date of~~ disposition in the case. If the court finds sufficient evidence that the juvenile
25 has severe emotional disturbance, as defined in G.S. 7B-1501(24a), or a developmental
26 disability, as defined in G.S. 122C-3(12a), or intellectual disability, as defined in
27 G.S. 122C-3(17a), that, in the court's discretion, substantially contributed to the juvenile's
28 delinquent behavior, and the juvenile is eligible for a Juvenile Justice Level 3 disposition and/or
29 is recommended for a Psychiatric Residential Treatment Facility (PRTF) placement, the court
30 shall order a care review team to be convened by the Division of Juvenile Justice of the
31 Department of Public Safety and assigned to the case.

32"

33 **SECTION 3.** Article 31 of Subchapter II of Chapter 7B of the General Statutes is
34 amended by adding a new section to read:

35 **"§ 7B-3103. Disclosure of information about juveniles for public safety reasons.**

36 (a) Notwithstanding G.S. 7B-2102(d) or any other provision of law to the contrary, the
37 court may order the Division or any law enforcement agency within the State to release to the
38 public the information contained in subsection (b) of this section if the court makes all of the
39 following findings in a written order:

40 (1) A petition has been filed alleging that the juvenile has committed at least one
41 offense that would subject the juvenile to transfer to superior court pursuant
42 to G.S. 7B-2200 or G.S. 7B-2200.5.

43 (2) The court determines, based on the juvenile's record or the nature of the
44 alleged offense or offenses, that the juvenile presents a danger to self or others.

45 (3) The court determines there exists good cause for the disclosure.

46 (b) The following information about a juvenile subject to a public disclosure under
47 subsection (a) of this section may be released to the public:

48 (1) The juvenile's first name, last name, and photograph.

49 (2) Any offense in a juvenile petition alleged to have been committed by the
50 juvenile.

51 (3) Whether a secure custody order has been issued for the juvenile.

1 (4) A statement, based on the juvenile's record or the nature of the alleged offense
2 and the level of concern of the Division or law enforcement agency, as to the
3 juvenile's threat to self or others.

4 (c) If a juvenile who is the subject of an order entered under subsection (a) of this section
5 is taken into custody before the required disclosure is made to the public, the Division or law
6 enforcement agency shall not make the disclosure.

7 (d) Before the information contained in subsection (b) of this section is released to the
8 public, the Division or law enforcement agency shall make a reasonable effort to notify a parent,
9 legal guardian, or custodian of the juvenile.

10 (e) Notwithstanding subsections (a) and (d) of this section, when exigent circumstances
11 exist, the Division or any law enforcement agency within the State may release the information
12 contained in subsection (b) of this section. If information is released pursuant to this subsection,
13 the releasing party must seek an order as provided by subsection (a) of this section as soon as
14 reasonably practicable but no later than the first available session of a court in the county after
15 the release of information. If a court does not issue an order as provided by subsection (a) of this
16 section at the next available session of court, all released information must be removed from any
17 publicly available law enforcement agency or Division website or social media account
18 controlled by the law enforcement agency or Division."

19 **SECTION 4.** G.S. 153A-218 reads as rewritten:

20 **"§ 153A-218. County confinement facilities.**

21 A county may establish, acquire, erect, repair, maintain, and operate local confinement
22 facilities and may for these purposes appropriate funds not otherwise limited as to use by law.
23 Subject to the holdover provisions in G.S. 7B-2204, no person under the age of 18 may be held
24 in a county confinement facility unless there is an agreement between the county confinement
25 facility and the Division of Juvenile Justice allowing the housing of persons under the age of 18
26 at the facility or a portion of the facility that has been approved as a juvenile detention facility by
27 the Division of Juvenile Justice. A juvenile detention facility may be located in the same facility
28 as a county jail provided that the juvenile detention facility meets the requirements of this Article
29 and ~~G.S. 147-33.40~~. G.S. 143B-819."

30 **SECTION 5.** G.S. 114-12.1 reads as rewritten:

31 **"§ 114-12.1. Minority sensitivity training for law enforcement personnel.**

32 (a) The Department of Justice shall develop guidelines for minority sensitivity training
33 for all law enforcement personnel throughout the State. The Department shall ensure that all
34 persons who work with minority juveniles in the juvenile justice system are taught how to
35 communicate effectively with minority juveniles and how to recognize and address the needs of
36 those juveniles. The Department shall also advise all law enforcement and professionals who
37 work within the juvenile justice system of ways to improve the treatment of minority juveniles
38 so that all juveniles receive equal treatment. Except where local law enforcement or the Division
39 of Juvenile Justice of the Department of Public Safety has existing minority sensitivity training
40 that meets the Department guidelines, the Department shall conduct the minority sensitivity
41 training annually. Prior to the training each year, the Department shall assess whether minorities
42 are receiving fair and equal treatment in the juvenile justice system with regard to the
43 administration of predisposition procedures, of diversion methods, of dispositional alternatives,
44 and of treatment and post-release supervision plans.

45 (b) The Division of Juvenile Justice of the Department of Public Safety shall ensure that
46 all juvenile court counselors and other Division personnel receive the minority sensitivity
47 training specified in subsection (a) of this section. The Division of Juvenile Justice of the
48 Department of Public Safety is responsible for creating, implementing, and evaluating juvenile
49 minority sensitivity and racial and ethnic disparities training annually."

50 **SECTION 6.** G.S. 7B-2204 reads as rewritten:

51 **"§ 7B-2204. Right to pretrial release; detention.**

1 ...
2 (d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal
3 offense in superior court and receive an active sentence, then immediate transfer to the Division
4 of Prisons of the Department of Adult Correction shall be ordered. Until such time as the juvenile
5 is transferred to the Division of Prisons of the Department of Adult Correction, the juvenile may
6 be detained in a holdover facility. ~~The juvenile may not be detained in a detention facility pending~~
7 ~~transfer to the Division of Prisons of the Department of Adult Correction, unless the facility or~~
8 ~~detention facility is operated by the sheriff pursuant to G.S. 7B-1905(b).~~ approved by the Division
9 of Juvenile Justice of the Department of Public Safety.

10 "
11 **SECTION 7.** This act becomes effective December 1, 2023, and applies to offenses
12 committed on or after that date.