

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1118

Short Title: Juvenile Release Change.

(Public)

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Sponsors: Representatives Flaherty and Pope.

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Referred to: Judiciary III.

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April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW REGARDING THE PRETRIAL RELEASE OF  
JUVENILES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-611 reads as rewritten:

**"§ 7A-611. Right to pretrial release; detention.**

Once the order of transfer has been entered, the juvenile has the right to pretrial release as provided in G.S. 15A-533 and 15A-534. The release order shall specify the person or persons to whom the juvenile may be released. Pending release under this Article, the judge shall order that the juvenile be detained in a local detention home as defined by G.S. 7A-517(15) or a regional detention home as defined by G.S. 7A-517(26) while awaiting trial. The judge may order the juvenile to be held in a holdover facility as defined by G.S. 7A-517(16) at any time the presence of the juvenile is required in court for pretrial hearings or trial, if the judge finds that it would be inconvenient to return the juvenile to the local or regional detention home.

Should the juvenile be found guilty, or enter a plea of guilty or no contest to criminal offenses in superior court and the juvenile receives an active sentence, then immediate transfer to the Department of Correction shall be ordered. Until such time as the juvenile is transferred to the Department of Correction, the juvenile may be detained in a holdover facility as defined by G.S. 7A-517(16). The juvenile may not be detained in a local detention home as defined by G.S. 7A-517(15) or a regional detention home as defined by G.S. 517(26) [G.S. 7A-517(26)] pending transfer to the Department of Correction. The juvenile may be kept by the Department of Correction as a safekeeper until the juvenile is placed in an appropriate correctional program."

1                   Sec. 2. This act becomes effective October 1, 1991, and applies to pretrial  
2 release orders issued on and after that date.