

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1092*
Committee Substitute Favorable 5/7/93
Third Edition Engrossed 5/11/93

Short Title: Juv. Prob./School Protection.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE JUVENILE COURT COUNSELORS TO NOTIFY SCHOOL OFFICIALS IN CERTAIN CASES WHEN A JUVENILE IS ADJUDICATED DELINQUENT AND IS ORDERED TO ATTEND SCHOOL AS A CONDITION OF PROBATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-649(8) reads as rewritten:

"(8) Place the juvenile on probation under the supervision of a court counselor. In any case where a juvenile is placed on probation, the court counselor shall have the authority to visit the juvenile where he the juvenile resides. The judge shall specify conditions of probation that are related to the needs of the juvenile including any of the following which apply:

- a. That the juvenile shall remain on good behavior and not violate any laws;
- b. That the juvenile attend school regularly;

Whenever the judge specifies school attendance pursuant to this subdivision as a condition of probation as a disposition for an adjudication of delinquency for an offense involving a threat to the safety of the juvenile or others, the judge shall make a finding whether or not the principal of the school the juvenile is required to attend should be notified of the adjudication of

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1 delinquency. If the judge makes a finding that the principal
2 should be notified, the juvenile court counselor shall, within
3 five days or before the juvenile begins to attend the school,
4 whichever occurs first, notify the principal of the school which
5 the juvenile is required to attend of the nature of the offense and
6 the terms of the juvenile's probation pertaining to school
7 attendance. A principal notified by the juvenile counselor shall
8 keep the confidence of the communication unless and until the
9 principal has a reasonable belief that the juvenile is an actual
10 threat to the safety of the juvenile, other students, employees, or
11 volunteers at the school and that communicating the confidence
12 is necessary to protect the safety of the juvenile, other students,
13 employees, or volunteers at the school;

- 14 c. That the juvenile not associate with specified persons or be in
15 specified places;
16 d. That the juvenile report to a court counselor as often as required
17 by a court counselor;
18 e. That the juvenile make specified financial restitution or pay a
19 fine in accordance with subdivisions (2) and (3);
20 f. That the juvenile be employed regularly if not attending school.

21 An order of probation shall remain in force for a period not to exceed
22 one year from the date entered. Prior to expiration of an order of
23 probation, the judge may extend it for an additional period of one year
24 after a hearing if ~~he~~ the judge finds that the extension is necessary to
25 protect the community or to safeguard the welfare of the juvenile;"

26 Sec. 2. The Administrative Office of the Courts shall report to the Joint
27 Legislative Education Oversight Committee on the number of juveniles reported to
28 principals in accordance with this act no later than January 1, 1995.

29 Sec. 3. This act becomes effective October 1, 1993, and applies to orders of
30 probation for adjudications of delinquency for acts committed on or after that date. This
31 act expires October 1, 1995.