

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 75

Short Title: Publish Photographs of Juveniles.

(Public)

Sponsors: Senators Sands; and Winner of Buncombe.

Referred to: Corrections/Punishment.

February 11, 1994

A BILL TO BE ENTITLED

AN ACT TO ALLOW NONTESTIMONIAL IDENTIFICATION AND PUBLICATION OF PHOTOGRAPHS OF JUVENILES WHO HAVE COMMITTED OFFENSES THAT WOULD BE CERTAIN FELONIES IF COMMITTED BY ADULTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-596 reads as rewritten:

"§ 7A-596. Authority to issue nontestimonial identification order where juvenile alleged to be delinquent.

Nontestimonial identification procedures shall not be conducted on any juvenile without a court order issued pursuant to this Article ~~unless-unless~~:

(1) ~~the-The~~ juvenile has been transferred to superior court for trial as an ~~adult-adult~~, in which case procedures applicable to adults as set out in Articles 14 and 23 of Chapter 15A shall ~~apply-apply~~; or

(2) The juvenile has allegedly committed an offense that would be a Class A, B, C, D, or E felony if committed by an adult and was 14 years of age or older at the time the offense was committed, in which case the procedures applicable to adults as set out in Articles 14 and 23 of Chapter 15A shall apply.

A nontestimonial identification order authorized by this Article may be issued by a judge of the district court or of the superior court upon request of a prosecutor. As used in this Article, 'nontestimonial identification' means identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, or other reasonable physical examination, handwriting exemplars, voice

1 samples, photographs, and lineups or similar identification procedures requiring the
2 presence of a juvenile."

3 Sec. 2. G.S. 7A-601(3) reads as rewritten:

4 "(3) If a juvenile 14 years of age or older is found to have committed a
5 delinquent act ~~which~~that would be a felony if committed by an adult,
6 all records resulting from a nontestimonial order may be retained in the
7 court file. Special precautions shall be taken to ensure that these
8 records will be maintained in such a manner and under such safeguards
9 as to limit their use to inspection for comparison purposes by law-
10 enforcement officers only in the investigation of a ~~crime~~crime, except
11 that the name and photograph of a juvenile resulting from a
12 nontestimonial order may be published as provided in G.S. 7A-
13 675(g)."

14 Sec. 3. G.S. 7A-675(g) reads as rewritten:

15 "(g) Disclosure of information concerning any juvenile under investigation or
16 alleged to be within the jurisdiction of the court that would reveal the identity of that
17 juvenile is prohibited except ~~that~~that:

18 (1) ~~publication~~Publication of names and pictures of runaways is permitted
19 with the permission of the ~~parents~~parents; and

20 (2) Publication of names and pictures of a juvenile under investigation or
21 alleged to be within the jurisdiction of the court for the commission of
22 an offense that would be a Class A, B, C, D, or E felony if committed
23 by an adult and who was 14 years of age or older at the time the
24 offense was committed is permitted."

25 Sec. 4. This act becomes effective May 1, 1994, and applies to offenses
26 committed on or after that date.