

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 75
Second Edition Engrossed 3/9/94

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

1 samples, or other reasonable physical examination, handwriting exemplars, voice
2 samples, photographs, and lineups or similar identification procedures requiring the
3 presence of a juvenile."

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

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

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

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

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

21 (2) Upon a determination by the prosecutor for the jurisdiction (i) that
22 publication of the name and picture of a juvenile under investigation is
23 necessary to further the investigation of an offense, that would be a
24 Class A, B, C, D, or E felony if committed by an adult and (ii) that the
25 juvenile was 14 years of age or older at the time the offense was
26 allegedly committed, the prosecutor may cause the juvenile's name and
27 picture to be published to any appropriate law enforcement agency.

28 (3) Upon a determination by the prosecutor for the jurisdiction (i) that
29 publication of the name and picture of a juvenile under investigation is
30 necessary to lead to the apprehension of a juvenile for an offense, that
31 would be a Class A, B, C, D, or E felony if committed by an adult and
32 (ii) that the juvenile was 14 years of age or older at the time the
33 offense was allegedly committed, the prosecutor may cause the
34 juvenile's name and picture to be published."

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