

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

S

1

SENATE BILL 89

Short Title: Arrest Minor/Notify Parent.

(Public)

Sponsors: Senator Shaw.

Referred to: Juveniles/Prevention.

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE PARENT, GUARDIAN, OR NEXT-OF-KIN OF
A MINOR WHO IS CHARGED BY A LAW ENFORCEMENT OFFICER SHALL
BE NOTIFIED IMMEDIATELY OF THE CHARGE BY THE LAW
ENFORCEMENT OFFICER MAKING THE CHARGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-505 reads as rewritten:

"§ 15A-505. Notification of minor's parent.

(a) A law-enforcement officer who charges a minor with a criminal offense ~~must, without unnecessary delay, make a reasonable effort to inform or cause to be informed a parent or guardian of the minor of the charge.~~ shall notify the minor's parent or guardian of the charge, as soon as practicable, in person or by telephone. If the minor is taken into custody, the law-enforcement officer or the officer's immediate superior shall notify a parent or guardian in writing that the minor is in custody within 24 hours of the minor's arrest. If the parent or guardian of the minor cannot be found, then the officer or the officer's immediate superior shall notify the minor's next-of-kin of the minor's arrest as soon as practicable.

(b) ~~This notice is not required if:~~ The notification provided for by subsection (a) of this section shall not be required if:

(1) The minor is ~~emancipated;~~ or emancipated;

(2) The minor has been charged with a motor vehicle moving violation for which three or fewer points are assessed under G.S. 20-16(c), except an offense involving impaired driving, as defined in G.S. 20-4.01(24a);
or

1 (3) The minor has been charged with a motor vehicle offense that is not a
2 moving violation.

3 (c) Any law enforcement officer who fails to make diligent efforts to notify a
4 minor's parent, guardian, or next-of-kin as provided by this section shall be subject to
5 disciplinary action. Willful violation of this section is a Class 3 misdemeanor
6 punishable only by a fine, not to exceed five hundred dollars (\$500.00)."

7 Sec. 2. This act becomes effective January 1, 1995, and applies to arrests of
8 juveniles occurring on or after that date.