

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 432

Short Title: Fingerprint Delinquent Juveniles/AB.

(Public)

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Sponsors: Representatives Thompson; Berry, Blue, Brawley, Buchanan, Capps, Culp, Gardner, Justus, Kiser, McMahan, Mercer, K. Miller, Richardson, Robinson, Russell, Sexton, and Sherrill.

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Referred to: Judiciary II.

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March 9, 1995

A BILL TO BE ENTITLED

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2 AN ACT TO REQUIRE THAT JUVENILES BE FINGERPRINTED UPON  
3 ADJUDICATION AS A DELINQUENT FOR AN OFFENSE THAT WOULD BE A  
4 FELONY IF COMMITTED BY AN ADULT AND TO CLARIFY THAT  
5 NONTESTIMONIAL IDENTIFICATION PROCEDURES SET FORTH IN THE  
6 JUVENILE CODE DO NOT APPLY TO CRIMINAL DEFENDANTS WHO ARE  
7 SIXTEEN AND SEVENTEEN YEARS OF AGE.

8 The General Assembly of North Carolina enacts:

9 Section 1. Article 48 of Chapter 7A is amended by adding a new section to  
10 read:

11 **"§ 7A-603. Fingerprinting delinquent juveniles.**

12 A juvenile shall be fingerprinted by a law enforcement officer or agency upon  
13 adjudication of the juvenile as delinquent for an offense that would be a felony if  
14 committed by an adult pursuant to G.S. 7A-637. Upon adjudication, the court shall order  
15 the juvenile be fingerprinted unless the juvenile has been fingerprinted previously and the  
16 fingerprints are in a proper format for transfer to the State Bureau of Investigation.  
17 Fingerprints obtained pursuant to this section shall be transferred to the State Bureau of  
18 Investigation in a format approved by the State Bureau of Investigation for permanent

1 fingerprint records, shall be marked 'For Identification Only', and shall be used for the  
2 purpose of latent fingerprint identification only. If a fingerprint identification is made,  
3 the State Bureau of Investigation shall advise the law enforcement agency requesting the  
4 examination of the match and of the juvenile's relevant biographical information on file."

5 Sec. 2. G.S. 7A-596 reads as rewritten:

6 **"§ 7A-596. Authority to issue nontestimonial identification order where juvenile**  
7 **alleged to be delinquent.**

8 Nontestimonial identification procedures shall not be conducted on any juvenile  
9 alleged to be delinquent without a court order issued pursuant to this Article unless the  
10 juvenile has been transferred to superior court for trial as an adult in which case  
11 procedures applicable to adults as set out in Articles 14 and 23 of Chapter 15A shall  
12 apply. A nontestimonial identification order authorized by this Article may be issued by  
13 any judge of the district court or of the superior court upon request of a prosecutor. As  
14 used in this Article, 'nontestimonial identification' means identification by fingerprints,  
15 palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples,  
16 hair samples, or other reasonable physical examination, handwriting exemplars, voice  
17 samples, photographs, and lineups or similar identification procedures requiring the  
18 presence of a juvenile."

19 Sec. 3. G.S. 7A-597 reads as rewritten:

20 **"§ 7A-597. Time of application for nontestimonial identification order.**

21 A request for a nontestimonial identification order may be made prior to taking a  
22 juvenile alleged to be delinquent into custody or after custody and prior to the  
23 adjudicatory hearing."

24 Sec. 4. G.S. 7A-608.1 reads as rewritten:

25 **"§ 7A-608.1. Fingerprinting juvenile transferred to superior court.**

26 When jurisdiction over a juvenile is transferred to the superior court, the juvenile shall  
27 be fingerprinted and ~~his~~ the juvenile's fingerprints shall be sent to the State Bureau of  
28 ~~Investigation.~~ Investigation in a format approved by the State Bureau of Investigation for  
29 permanent fingerprint records."

30 Sec. 5. G.S. 15A-502(c) reads as rewritten:

31 "(c) This section does not authorize the taking of photographs or fingerprints of a  
32 juvenile alleged to be delinquent except under G.S. 7A-596 through ~~7A-601.~~ 7A-601 and  
33 7A-603."

34 Sec. 6. This act becomes effective October 1, 1995, and applies to offenses  
35 committed on or after that date.