**HOUSE  BILL 432**
**Corrected Copy 3/15/95**

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| Short Title: | Fingerprint Delinquent Juveniles/AB. | (Public) |
| Sponsors: | Representatives Thompson; Berry, Black, Brawley, Buchanan, Capps, Culp, Gardner, Justus, Kiser, McMahan, Mercer, K. Miller, Richardson, Robinson, Russell, Sexton, and Sherrill. | |
| Referred to: | Judiciary II. | |

March 9, 1995

1    A BILL TO BE ENTITLED
2  AN ACT TO REQUIRE THAT JUVENILES BE FINGERPRINTED UPON
3     ADJUDICATION AS A DELINQUENT FOR AN OFFENSE THAT WOULD BE
4     A 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
15  order the juvenile be fingerprinted unless the juvenile has been fingerprinted previously
16  and the fingerprints are in a proper format for transfer to the State Bureau of
17  Investigation.  Fingerprints obtained pursuant to this section shall be transferred to the
18  State Bureau of Investigation in a format approved by the State Bureau of Investigation
19  for permanent fingerprint records, shall be marked 'For Identification Only', and shall be
20  used for the purpose of latent fingerprint identification only.  If a fingerprint
21  identification is made, the State Bureau of Investigation shall advise the law
22  enforcement agency requesting the examination of the match and of the juvenile's
23  relevant biographical information on file."
24         Sec. 2.  G.S. 7A-596 reads as rewritten:
25  "**§ 7A-596.  Authority to issue nontestimonial identification order where juvenile**
26         **alleged to be delinquent.**

1 Nontestimonial identification procedures shall not be conducted on any juvenile
2 <u>alleged to be delinquent </u>without a court order issued pursuant to this Article unless the
3 juvenile has been transferred to superior court for trial as an adult in which case
4 procedures applicable to adults as set out in Articles 14 and 23 of Chapter 15A shall
5 apply. A nontestimonial identification order authorized by this Article may be issued by
6 any judge of the district court or of the superior court upon request of a prosecutor. As
7 used in this Article, 'nontestimonial identification' means identification by fingerprints,
8 palm prints, footprints, measurements, blood specimens, urine specimens, saliva
9 samples, hair samples, or other reasonable physical examination, handwriting
10 exemplars, voice samples, photographs, and lineups or similar identification procedures
11 requiring the presence of a juvenile."
12        Sec. 3. G.S. 7A-597 reads as rewritten:
13 "**§ 7A-597. Time of application for nontestimonial identification order.**
14 A request for a nontestimonial identification order may be made prior to taking a
15 juvenile <u>alleged to be delinquent </u>into custody or after custody and prior to the
16 adjudicatory hearing."
17        Sec. 4. G.S. 7A-608.1 reads as rewritten:
18 "**§ 7A-608.1 Fingerprinting juvenile transferred to superior court.**
19 When jurisdiction over a juvenile is transferred to the superior court, the juvenile
20 shall be fingerprinted and ~~his ~~<u>the juvenile's </u>fingerprints shall be sent to the State Bureau
21 of ~~Investigation.~~<u>Investigation in a format approved by the State Bureau of Investigation</u>
22 <u>for permanent fingerprint records.</u>"
23        Sec. 5. G.S. 15A-502(c) reads as rewritten:
24 "(c) This section does not authorize the taking of photographs or fingerprints of a
25 juvenile <u>alleged to be delinquent </u>except under G.S. 7A-596 through ~~7A-601. ~~<u>7A-601</u>
26 <u>and 7A-603.</u>"
27        Sec. 6. This act becomes effective October 1, 1995, and applies to offenses
28 committed on or after that date.