

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1292*

Short Title: Length of Juvenile Commitment.

(Public)

Sponsors: Senator Gulley.

Referred to: Judiciary II/Election Laws.

May 23, 1996

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE MAXIMUM PERIOD OF TIME A JUVENILE MAY BE
2 COMMITTED IN ACCORDANCE WITH THE STRUCTURED SENTENCING
3 ACT AS RECOMMENDED BY THE SENTENCING AND POLICY ADVISORY
4 COMMISSION.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7A-646 reads as rewritten:

8 **"§ 7A-646. Purpose.**

9 The purpose of dispositions in juvenile actions is to design an appropriate plan to
10 meet the needs of the juvenile and to achieve the objectives of the State in exercising
11 jurisdiction. If possible, the initial approach should involve working with the juvenile and
12 ~~his~~ the juvenile's family in their own home so that the appropriate community resources
13 may be involved in care, supervision, and treatment according to the needs of the
14 juvenile. Thus, the judge should arrange for appropriate community-level services to be
15 provided to the juvenile and ~~his~~ the juvenile's family in order to strengthen the home
16 situation.

17 In choosing among statutorily permissible dispositions for a delinquent juvenile, the
18 judge shall select the least restrictive disposition both in terms of kind and duration, that
19 is appropriate to the seriousness of the offense, the degree of culpability indicated by the
20 circumstances of the particular case and the age and prior record of the juvenile. A

1 juvenile should not be committed to training school or to any other institution if ~~he~~ the
2 juvenile can be helped through community-level resources. Article 81B of Chapter 15A
3 of the General Statutes does not apply to juvenile dispositions, except as provided in G.S.
4 7A-652(c)."

5 Sec. 2. G.S. 7A-652(c) reads as rewritten:

6 "(c) In no event shall commitment of a delinquent juvenile be for a period of time
7 in excess of ~~that period for which an adult could be committed for the same act.~~ the maximum
8 term of imprisonment for which an adult in prior record level VI for felonies or in prior
9 conviction level III for misdemeanors could be sentenced for the same offense. ~~Any~~
10 juveniles committed for an offense for which an adult would be sentenced for 30 days or less. A
11 juvenile committed only for an offense that would be a Class 3 misdemeanor if
12 committed by an adult shall be assigned to a local detention home as defined by G.S. 7A-
13 517(15) or a regional home as defined by G.S. 7A-517(26)."

14 Sec. 3. This act becomes effective December 1, 1996, and applies to
15 dispositions for offenses committed on or after that date.