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SESSION 1999

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HOUSE BILL 1804\*  
Committee Substitute Favorable 6/5/00  
Committee Substitute #2 Favorable 6/21/00

Short Title: Establish Juvenile Department.

(Public)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE DEPARTMENT OF JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION AND TO MAKE CONFORMING  
AMENDMENTS TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

**PART I. CREATION OF DEPARTMENT OF JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION.**

Section 1.(a) Article 3C of Chapter 147 of the General Statutes is repealed.

Section 1.(b) Chapter 143B of the General Statutes is amended by adding a  
new Article to read:

**“ARTICLE 12.**

**"DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION.**

**"PART 1. CREATION OF DEPARTMENT.**

**"§ 143B-511. Creation of the Department of Juvenile Justice and Delinquency  
Prevention.**

1       There is hereby created and constituted a department to be known as the 'Department  
2 of Juvenile Justice and Delinquency Prevention', with the organization, powers, and  
3 duties defined in Article 1 of this Chapter, except as modified in this Article.

4 **"§ 143B-512. Transfer of Office of Juvenile Justice authority to the Department of**  
5 **Juvenile Justice and Delinquency Prevention.**

6       (a) All (i) statutory authority, powers, duties, and functions, including directives of  
7 S.L. 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel,  
8 personnel positions, and salaries, (iv) property, and (v) unexpended balances of  
9 appropriations, allocations, reserves, support costs, and other funds of the Office of  
10 Juvenile Justice under the Office of the Governor are transferred to and vested in the  
11 Department of Juvenile Justice and Delinquency Prevention. This transfer has all of the  
12 elements of a Type I transfer as defined in G.S. 143A-6.

13       (b) The Department shall be considered a continuation of the Office of Juvenile  
14 Justice for the purpose of succession to all rights, powers, duties, and obligations of the  
15 Office and of those rights, powers, duties, and obligations exercised by the Office of the  
16 Governor on behalf of the Office of Juvenile Justice. Where the Office of Juvenile  
17 Justice is referred to by law, contract, or other document, that reference shall apply to the  
18 Department. Where the Office of the Governor is referred to by contract or other  
19 document, where the Office of the Governor is acting on behalf of the Office of Juvenile  
20 Justice, that reference shall apply to the Department.

21       (c) All institutions previously operated by the Office of Juvenile Justice and the  
22 present central office of the Office of Juvenile Justice, including land, buildings,  
23 equipment, supplies, personnel, or other properties rented or controlled by the Office or  
24 by the Office of the Governor for the Office of Juvenile Justice, shall be administered by  
25 the Department of Juvenile Justice and Delinquency Prevention.

26 **"PART 2. GENERAL PROVISIONS.**

27 **"§ 143B-513. Definitions.**

28       In this Article, unless the context clearly requires otherwise, the following words have  
29 the listed meanings:

- 30       (1) Chief court counselor. – The person responsible for administration and  
31 supervision of juvenile intake, probation, and post-release supervision in  
32 each judicial district, operating under the supervision of the Department  
33 of Juvenile Justice and Delinquency Prevention.
- 34       (2) Community-based program. – A program providing nonresidential or  
35 residential treatment to a juvenile under the jurisdiction of the juvenile  
36 court in the community where the juvenile's family lives. A community-  
37 based program may include specialized foster care, family counseling,  
38 shelter care, and other appropriate treatment.
- 39       (3) County Councils. – Juvenile Crime Prevention Councils created under  
40 G.S. 143B-529.
- 41       (4) Court. – The district court division of the General Court of Justice.

- 1           (5)   Court counselor. – A person responsible for probation and post-release  
2           supervision to juveniles under the supervision of the chief court  
3           counselor.
- 4           (6)   Custodian. – The person or agency that has been awarded legal custody  
5           of a juvenile by a court.
- 6           (7)   Delinquent juvenile. – Any juvenile who, while less than 16 years of  
7           age but at least 6 years of age, commits a crime or infraction under State  
8           law or under an ordinance of local government, including violation of  
9           the motor vehicle laws.
- 10          (8)   Department. – The Department of Juvenile Justice and Delinquency  
11          Prevention.
- 12          (9)   Detention. – The secure confinement of a juvenile under a court order.
- 13          (10)   Detention facility. – A facility approved to provide secure confinement  
14          and care for juveniles. Detention facilities include both State and locally  
15          administered detention homes, centers, and facilities.
- 16          (11)   District. – Any district court district as established by G.S. 7A-133.
- 17          (12)   Judge. – Any district court judge.
- 18          (13)   Judicial district. – Any district court district as established by G.S. 7A-  
19          133.
- 20          (14)   Juvenile. – Except as provided in subdivisions (7) and (22) of this  
21          section, any person who has not reached the person's eighteenth  
22          birthday and is not married, emancipated, or a member of the armed  
23          forces of the United States. Wherever the term 'juvenile' is used with  
24          reference to rights and privileges, that term encompasses the attorney  
25          for the juvenile as well.
- 26          (15)   Juvenile court. – Any district court exercising jurisdiction under this  
27          Chapter.
- 28          (16)   Post-release supervision. – The supervision of a juvenile who has been  
29          returned to the community after having been committed to the  
30          Department for placement in a training school.
- 31          (17)   Probation. – The status of a juvenile who has been adjudicated  
32          delinquent, is subject to specified conditions under the supervision of a  
33          court counselor, and may be returned to the court for violation of those  
34          conditions during the period of probation.
- 35          (18)   Protective supervision. – The status of a juvenile who has been  
36          adjudicated undisciplined and is under the supervision of a court  
37          counselor.
- 38          (19)   Secretary. – The Secretary of Juvenile Justice and Delinquency  
39          Prevention.
- 40          (20)   State Council. – The State Advisory Council on Juvenile Justice and  
41          Delinquency Prevention established under G.S. 143B-536.

1           (21) Training school. – A secure residential facility authorized to provide  
2           long-term treatment, education, and rehabilitative services for  
3           delinquent juveniles committed by the court to the Department.

4           (22) Undisciplined juvenile. –

5           a.     A juvenile who, while less than 16 years of age but at least 6  
6           years of age, is unlawfully absent from school; or is regularly  
7           disobedient to and beyond the disciplinary control of the  
8           juvenile's parent, guardian, or custodian; or is regularly found in  
9           places where it is unlawful for a juvenile to be; or has run away  
10           from home for a period of more than 24 hours; or

11           b.     A juvenile who is 16 or 17 years of age and who is regularly  
12           disobedient to and beyond the disciplinary control of the  
13           juvenile's parent, guardian, or custodian; or is regularly found in  
14           places where it is unlawful for a juvenile to be; or has run away  
15           from home for a period of more than 24 hours.

16 **§ 143B-514. Duties and powers of the Department of Juvenile Justice and**  
17 **Delinquency Prevention.**

18           (a)     The head of the Department is the Secretary. The Secretary shall have the  
19           powers and duties conferred by this Chapter, delegated by the Governor, and conferred  
20           by the Constitution and laws of this State. The Secretary shall be responsible for  
21           effectively and efficiently organizing the Department to promote the policy of the State  
22           as set forth in this Article and to promote public safety and to prevent the commission of  
23           delinquent acts by juveniles.

24           (b)     The Secretary shall have the following powers and duties:

25           (1)     Give leadership to the implementation as appropriate of State policy that  
26           requires that training schools be phased out as populations diminish.

27           (2)     Close a State training school when its operation is no longer justified  
28           and transfer State funds appropriated for the operation of that training  
29           school to fund community-based programs, to purchase care or services  
30           for predelinquents, delinquents, or status offenders in community-based  
31           or other appropriate programs, or to improve the efficiency of existing  
32           training schools, provided the Advisory Budget Commission reviews  
33           this action.

34           (3)     Administer a sound admission or intake program for juvenile facilities,  
35           including the requirement of a careful evaluation of the needs of each  
36           juvenile prior to acceptance and placement.

37           (4)     Operate juvenile facilities and implement programs that meet the needs  
38           of juveniles receiving services and that assist them to become  
39           productive, responsible citizens.

40           (5)     Adopt rules to implement this Article and the responsibilities of the  
41           Secretary and the Department under Chapter 7B of the General Statutes.  
42           The Secretary may adopt rules applicable to local human services  
43           agencies providing juvenile court and delinquency prevention services

- 1           for the purpose of program evaluation, fiscal audits, and collection of  
2           third-party payments.
- 3           (6)   Ensure a statewide and uniform system of juvenile intake, protective  
4           supervision, probation, and post-release supervision services in all  
5           district court districts of the State. The system shall provide  
6           appropriate, adequate, and uniform services to all juveniles who are  
7           alleged or found to be undisciplined or delinquent.
- 8           (7)   Establish procedures for substance abuse testing for juveniles  
9           adjudicated delinquent for substance abuse offenses.
- 10          (8)   Plan, develop, and coordinate comprehensive multidisciplinary services  
11          and programs statewide for the prevention of juvenile delinquency,  
12          early intervention, and rehabilitation of juveniles.
- 13          (9)   Develop standards, approve yearly program evaluations, and make  
14          recommendations based on the evaluations to the General Assembly  
15          concerning continuation funding.
- 16          (10)   Collect expense data for every program operated and contracted by the  
17          Department.
- 18          (11)   Develop a formula for funding on a matching basis juvenile court and  
19          delinquency prevention services as provided for in this Article. This  
20          formula shall be based upon the county's or counties' relative ability to  
21          fund community-based programs for juveniles.
- 22                Local governments receiving State matching funds for programs under  
23                this Article must maintain the same overall level of effort that existed at  
24                the time of the filing of the county assessment of juvenile needs with the  
25                Department.
- 26          (12)   Assist local governments and private service agencies in the  
27          development of juvenile court services and delinquency prevention  
28          services and provide information on the availability of potential funding  
29          sources and assistance in making application for needed funding.
- 30          (13)   Assist the Criminal Justice Information Network Governing Board with  
31          administering a comprehensive juvenile justice information system to  
32          collect data and information about delinquent juveniles for the purpose  
33          of developing treatment and intervention plans and allowing reliable  
34          assessment and evaluation of the effectiveness of rehabilitative and  
35          preventive services provided to delinquent juveniles.
- 36          (14)   Coordinate State-level services in relation to delinquency prevention  
37          and juvenile court services so that any citizen may go to one place in  
38          State government to receive information about available juvenile  
39          services.
- 40          (15)   Appoint the chief court counselor in each district upon the  
41          recommendation of the chief district court judge of that district.
- 42          (16)   Develop a statewide plan for training and professional development of  
43          chief court counselors, court counselors, and other personnel

1           responsible for the care, supervision, and treatment of juveniles. The  
2           plan shall include attendance at appropriate professional meetings and  
3           opportunities for educational leave for academic study.

4           (17) Study issues related to qualifications, salary ranges, appointment of  
5           personnel on a merit basis, including chief court counselors, court  
6           counselors, secretaries, and other appropriate personnel, at the State and  
7           district levels in order to adopt appropriate policies and procedures  
8           governing personnel.

9           (c) Except as otherwise specifically provided in this Article and in Article 1 of this  
10 Chapter, the Secretary shall prescribe the functions, powers, duties, and obligations of  
11 every agency or division in the Department.

12           (d) Where Department statistics indicate the presence of minority youth in juvenile  
13 facilities disproportionate to their presence in the general population, the Department  
14 shall develop and recommend appropriate strategies designed to ensure fair and equal  
15 treatment in the juvenile justice system.

16           (e) The Department may provide consulting services and technical assistance to  
17 courts, law enforcement agencies, and other agencies, local governments, and public and  
18 private organizations. The Department may develop or assist Juvenile Crime Prevention  
19 Councils in developing community needs, assessments, and programs relating to the  
20 prevention and treatment of delinquent and undisciplined behavior.

21           (f) The Department shall develop a cost-benefit model for each State-funded  
22 program. Program commitment and recidivism rates shall be components of the model.  
23 In developing the model, the Department shall consider the recommendations of the State  
24 Advisory Council on Juvenile Justice and Delinquency Prevention.

25 **"§ 143B-515. Authority to contract with other entities.**

26           (a) The Department may contract with any governmental agency, person, or  
27 association for the accomplishment of its duties and responsibilities. The expenditure of  
28 funds under these contracts shall be for the purposes for which the funds were  
29 appropriated and not otherwise prohibited by law.

30           (b) The Department may enter into contracts with, and act as intermediary  
31 between, any federal government agency and any county of this State for the purpose of  
32 assisting the county to recover monies expended by a county-funded financial assistance  
33 program. As a condition of assistance, the county shall agree to hold and save harmless  
34 the Department against any claims, loss, or expense which the Department might incur  
35 under the contracts by reason of any erroneous, unlawful, or tortious act or omission of  
36 the county or its officials, agents, or employees.

37           (c) The Department and any other appropriate State or local agency may purchase  
38 services from public or private agencies providing delinquency prevention programs or  
39 juvenile court services, including parenting responsibility classes. The programs shall  
40 meet State standards. As institutional populations are reduced, the Department may  
41 divert State funds appropriated for institutional programs to purchase the services under  
42 the Executive Budget Act.

1 (d) Each programmatic, residential, and service contract or agreement entered into  
2 by the Department shall include a cooperation clause to ensure compliance with the  
3 Department's quality assurance requirements and cost-accounting requirements.

4 **"§ 143B-516. Authority to assist private nonprofit foundations.**

5 The Department may provide appropriate services or allow employees of the  
6 Department to assist any private nonprofit foundation that works directly with the  
7 Department's services or programs and whose sole purpose is to support these services  
8 and programs. A Department employee shall be allowed to work with a foundation no  
9 more than 20 hours in any one month. These services are not subject to Chapter 150B of  
10 the General Statutes.

11 The board of directors of each private, nonprofit foundation shall secure and pay for  
12 the services of the Department of State Auditor or employ a certified public accountant to  
13 conduct an annual audit of the financial accounts of the foundation. The board of  
14 directors shall transmit to the Department a copy of the annual financial audit report of  
15 the private nonprofit foundation.

16 **"§ 143B-517. Annual report.**

17 On or before April 1 each year, beginning with the year 2001, the Department shall  
18 report to the General Assembly on the effectiveness and cost benefit of every program  
19 operated and contracted by the Department and a summary of the local programs that  
20 receive State funding. The report shall include the most current institutional populations  
21 of juveniles being served by the Department, a comparison of the costs of the services,  
22 and a ranking of all programs that provide services to juveniles. The Department shall  
23 submit the report to the various State agencies providing services to juveniles.

24 **"PART 3. JUVENILE FACILITIES.**

25 **"§ 143B-518. Juvenile facilities.**

26 In order to provide any juvenile in a juvenile facility with appropriate treatment  
27 according to that juvenile's need, the Department shall be responsible for the  
28 administration of statewide educational, clinical, psychological, psychiatric, social,  
29 medical, vocational, and recreational services or programs.

30 **"§ 143B-519. Authority to provide necessary medical or surgical care.**

31 The Department may provide any medical and surgical treatment necessary to  
32 preserve the life and health of juveniles committed to the custody of the Department;  
33 however, no surgical operation may be performed except as authorized in G.S. 148-22.2.

34 **"§ 143B-520. Compensation to juveniles in care.**

35 A juvenile who has been committed to the Department may be compensated for work  
36 or participation in training programs at rates approved by the Secretary within available  
37 funds. The Secretary may provide for a reasonable allowance to the juvenile for  
38 incidental personal expenses, and any balance of the juvenile's earnings remaining at the  
39 time the juvenile is released shall be paid to the juvenile or the juvenile's parent or  
40 guardian. The Department may accept grants or funds from any source to compensate  
41 juveniles under this section.

42 **"§ 143B-521. Visits and community activities.**

1 (a) The Department shall encourage visits by parents or guardians and responsible  
2 relatives of juveniles committed to the custody of the Department.

3 (b) The Department shall develop a program of home visits for juveniles in the  
4 custody of the Department. The visits shall begin after the juvenile has been in the  
5 custody of the Department for a period of at least six months. In developing the  
6 program, the Department shall adopt criteria that promote the protection of the public and  
7 the best interests of the juvenile.

8 **"§ 143B-522. Regional detention services.**

9 The Department is responsible for juvenile detention services, including the  
10 development of a statewide plan for regional juvenile detention services that offer  
11 juvenile detention care of sufficient quality to meet State standards to any juvenile  
12 requiring juvenile detention care within the State in a detention facility as follows:

13 (1) The Department shall plan with the counties operating a county  
14 detention facility to provide regional juvenile detention services to  
15 surrounding counties. The Department has discretion in defining the  
16 geographical boundaries of the regions based on negotiations with  
17 affected counties, distances, availability of juvenile detention care that  
18 meets State standards, and other appropriate factors.

19 (2) The Department may plan with any county that has space within its  
20 county jail system to use the existing space for a county detention  
21 facility when needed, if the space meets the State standards for a  
22 detention facility and meets all of the requirements of G.S. 153A-221.  
23 The use of space within the county jail system shall be constructed to  
24 ensure that juveniles are not able to converse with, see, or be seen by the  
25 adult population, and juveniles housed in a space within a county jail  
26 shall be supervised closely.

27 (3) The Department shall plan for and administer regional detention  
28 facilities. The Department shall carefully plan the location, architectural  
29 design, construction, and administration of a program to meet the needs  
30 of juveniles in juvenile detention care. The physical facility of a  
31 regional detention facility shall comply with all applicable State and  
32 federal standards. The programs of a regional detention facility shall  
33 comply with the standards established by the Department.

34 **"§ 143B-523. State subsidy to county detention facilities.**

35 The Department shall administer a State subsidy program to pay a county that  
36 provides juvenile detention services and meets State standards a certain per diem per  
37 juvenile. In general, this per diem should be fifty percent (50%) of the total cost of  
38 caring for a juvenile from within the county and one hundred percent (100%) of the total  
39 cost of caring for a juvenile from another county. Any county placing a juvenile in a  
40 detention facility in another county shall pay fifty percent (50%) of the total cost of  
41 caring for the juvenile to the Department. The Department may vary the exact funding  
42 formulas to operate within existing State appropriations or other funds that may be  
43 available to pay for juvenile detention care.

**"§ 143B-524. Authority for implementation.**

In order to allow for effective implementation of a statewide regional approach to juvenile detention, the Department may:

- (1) Release or transfer a juvenile from one detention facility to another when necessary to administer the juvenile's detention appropriately.
- (2) Plan with counties that operate county detention facilities to provide regional services and to upgrade physical facilities to contract with counties for services and care, and to pay State subsidies to counties providing regional juvenile detention services that meet State standards.
- (3) Allow the State to reimburse law enforcement officers or other appropriate employees of local government for the costs of transportation of a juvenile to and from any juvenile detention facility.
- (4) Seek funding for juvenile detention services from federal sources, and accept gifts of funds from public or private sources.

**"PART 4. JUVENILE COURT SERVICES.****"§ 143B-525. Duties and powers of chief court counselors.**

The chief court counselor in each district appointed under G.S. 143B-514(b)(15) may:

- (1) Appoint court counselors, secretaries, and other personnel authorized by the Department in accordance with the personnel policies adopted by the Department.
- (2) Supervise and direct the program of juvenile intake, protective supervision, probation, and post-release supervision within the district.
- (3) Provide in-service training for staff as required by the Department.
- (4) Keep any records and make any reports requested by the Secretary in order to provide statewide data and information about juvenile needs and services.

**"§ 143B-526. Duties and powers of juvenile court counselors.**

As the court or the chief court counselor may direct or require, all juvenile court counselors shall have the following powers and duties:

- (1) Secure or arrange for any information concerning a case that the court may require before, during, or after the hearing.
- (2) Prepare written reports for the use of the court.
- (3) Appear and testify at court hearings.
- (4) Assume custody of a juvenile as authorized by G.S. 7B-1900, or when directed by court order.
- (5) Furnish each juvenile on probation or protective supervision and that juvenile's parents, guardian, or custodian with a written statement of the juvenile's conditions of probation or protective supervision, and consult with the juvenile's parents, guardian, or custodian so that they may help the juvenile comply with the conditions.
- (6) Keep informed concerning the conduct and progress of any juvenile on probation or under protective supervision through home visits or conferences with the parents or guardian and in other ways.

- 1           (7) See that the juvenile complies with the conditions of probation or bring  
2 to the attention of the court any juvenile who violates the juvenile's  
3 probation.
- 4           (8) Make periodic reports to the court concerning the adjustment of any  
5 juvenile on probation or under court supervision.
- 6           (9) Keep any records of the juvenile's work as the court may require.
- 7           (10) Account for all funds collected from juveniles.
- 8           (11) Serve necessary court documents pertaining to delinquent and  
9 undisciplined juvenile matters.
- 10          (12) Assume custody of juveniles under the jurisdiction of the court when  
11 necessary for the protection of the public or the juvenile, and when  
12 necessary to carry out the responsibilities of court counselors under this  
13 section and under Chapter 7B of the General Statutes.
- 14          (13) Use reasonable force and restraint necessary to secure custody assumed  
15 under subdivision (12) of this section.
- 16          (14) Provide supervision for a juvenile transferred to the counselor's  
17 supervision from another court or another state, and provide supervision  
18 for any juvenile released from an institution operated by the Department  
19 when requested by the Department to do so.
- 20          (15) Assist in the development of post-release supervision and the  
21 supervision of juveniles.
- 22          (16) Have any other duties as the court may direct.

23           **"PART 5. COMPREHENSIVE JUVENILE DELINQUENCY AND**  
24           **SUBSTANCE ABUSE PREVENTION PLAN.**

25           **"§ 143B-527. Comprehensive Juvenile Delinquency and Substance Abuse Prevention**  
26           **Plan.**

27           (a) The Department shall implement the comprehensive juvenile delinquency and  
28 substance abuse prevention plan developed by the Office of Juvenile Justice and shall  
29 coordinate with County Councils for implementation of a continuum of services and  
30 programs at the community level.

31           The Department shall ensure that localities are informed about best practices in  
32 juvenile delinquency and substance abuse prevention.

33           (b) The plan shall contain the following:

- 34           (1) Identification of the risk factors at the developmental stages of a  
35 juvenile's life that may result in delinquent behavior.
- 36           (2) Identification of the protective factors that families, schools,  
37 communities, and the State must support to reduce the risk of juvenile  
38 delinquency.
- 39           (3) Programmatic concepts that are effective in preventing juvenile  
40 delinquency and substance abuse and that should be made available as  
41 basic services in the communities, including:
- 42           a. Early intervention programs and services.

- 1           **b.**     In-home training and community-based family counseling and  
2                   parent training.
- 3           **c.**     Adolescent and family substance abuse prevention services,  
4                   including alcohol abuse prevention services, and substance abuse  
5                   education.
- 6           **d.**     Programs and activities offered before and after school hours.
- 7           **e.**     Life and social skills training programs.
- 8           **f.**     Classes or seminars that teach conflict resolution, problem  
9                   solving, and anger management.
- 10          **g.**     Services that provide personal advocacy, including mentoring  
11                   relationships, tutors, or other caring adult programs.

12          **(c)**    The Department shall cooperate with all other affected State agencies and  
13           entities in implementing this section.

14                    **"PART 6. JUVENILE CRIME PREVENTION COUNCILS.**

15           **"§ 143B-528. Legislative intent.**

16           It is the intent of the General Assembly to prevent juveniles who are at risk from  
17           becoming delinquent. The primary intent of this Part is to develop community-based  
18           alternatives to training schools and to provide community-based delinquency and  
19           substance abuse prevention strategies and programs. Additionally, it is the intent of the  
20           General Assembly to provide noninstitutional dispositional alternatives that will protect  
21           the community and the juveniles.

22           These programs and services shall be planned and organized at the community level  
23           and developed in partnership with the State. These planning efforts shall include  
24           appropriate representation from local government, local public and private agencies  
25           servng juveniles and their families, local business leaders, citizens with an interest in  
26           youth problems, youth representatives, and others as may be appropriate in a particular  
27           community. The planning bodies at the local level shall be the Juvenile Crime Prevention  
28           Councils.

29           **"§ 143B-529. Creation; method of appointment; membership; chair and vice-chair.**

30           **(a)**   As a prerequisite for a county receiving funding for juvenile court services and  
31           delinquency prevention programs, the board of commissioners of a county shall appoint a  
32           Juvenile Crime Prevention Council. Each County Council is a continuation of the  
33           corresponding Council created under G.S. 147-33.61. The County Council shall consist  
34           of not more than 25 members and should include, if possible, the following:

- 35                   **(1)**   The local school superintendent, or that person's designee;
- 36                   **(2)**   A chief of police in the county;
- 37                   **(3)**   The local sheriff, or that person's designee;
- 38                   **(4)**   The district attorney, or that person's designee;
- 39                   **(5)**   The chief court counselor, or that person's designee;
- 40                   **(6)**   The director of the area mental health, developmental disabilities, and  
41                    substance abuse authority, or that person's designee;
- 42                   **(7)**   The director of the county department of social services, or consolidated  
43                    human services agency, or that person's designee;

- 1           (8)    The county manager, or that person's designee;  
2           (9)    A substance abuse professional;  
3           (10)   A member of the faith community;  
4           (11)   A county commissioner;  
5           (12)   A person under the age of 21;  
6           (13)   A juvenile defense attorney;  
7           (14)   The chief district court judge, or a judge designated by the chief district  
8                court judge;  
9           (15)   A member of the business community;  
10          (16)   The local health director, or that person's designee;  
11          (17)   A representative from the United Way or other nonprofit agency;  
12          (18)   A representative of a local parks and recreation program; and  
13          (19)   Up to seven members of the public to be appointed by the board of  
14                commissioners of a county.

15          The board of commissioners of a county shall modify the County Council's  
16          membership as necessary to ensure that the members reflect the racial and socioeconomic  
17          diversity of the community and to minimize potential conflicts of interest by members.

18          (b)    Two or more counties may establish a multicounty Juvenile Crime Prevention  
19          Council under subsection (a) of this section. The membership shall be representative of  
20          each participating county.

21          (c)    The members of the County Council shall elect annually the chair and vice-  
22          chair.

23          **"§ 143B-530. Terms of appointment.**

24          Each member of a County Council shall serve for a term of two years, except for  
25          initial terms as provided in this section. Each member's term is a continuation of that  
26          member's term under G.S. 147-33.62. Members may be reappointed. The initial terms of  
27          appointment began January 1, 1999. In order to provide for staggered terms, persons  
28          appointed for the positions designated in subdivisions (9), (10), (12), (15), (17), and (18)  
29          of G.S. 143B-529(a) were appointed for an initial term ending on June 30, 2000. After  
30          the initial terms, persons appointed for the positions designated in subdivisions (9), (10),  
31          (12), (15), (17), and (18) of G.S. 143B-529(a) shall be appointed for two-year terms,  
32          beginning on July 1. All other persons appointed to the Council were appointed for an  
33          initial term ending on June 30, 2001, and, after those initial terms, persons shall be  
34          appointed for two-year terms beginning on July 1.

35          **"§ 143B-531. Vacancies; removal.**

36          Appointments to fill vacancies shall be for the remainder of the former member's  
37          term.

38          Members shall be removed only for malfeasance or nonfeasance as determined by the  
39          board of county commissioners.

40          **"§ 143B-532. Meetings; quorum.**

41          County Councils shall meet at least bimonthly, or more often if a meeting is called by  
42          the chair.

43          A majority of members constitutes a quorum.

1 **"§ 143B-533. Compensation of members.**

2 Members of County Councils shall receive no compensation but may receive a per  
3 diem in an amount established by the board of county commissioners.

4 **"§ 143B-534. Powers and duties.**

5 (a) Each County Council shall review annually the needs of juveniles in the county  
6 who are at risk of delinquency or who have been adjudicated undisciplined or delinquent  
7 and the resources available to address those needs. The Council shall develop and  
8 advertise a request for proposal process and submit a written plan of action for the  
9 expenditure of juvenile sanction and prevention funds to the board of county  
10 commissioners for its approval. Upon the county's authorization, the plan shall be  
11 submitted to the Department for final approval and subsequent implementation.

12 (b) Each County Council shall ensure that appropriate intermediate dispositional  
13 options are available and shall prioritize funding for dispositions of intermediate and  
14 community-level sanctions for court-adjudicated juveniles under minimum standards  
15 adopted by the Department.

16 (c) On an ongoing basis, each County Council shall:

17 (1) Assess the needs of juveniles in the community, evaluate the adequacy  
18 of resources available to meet those needs, and develop or propose ways  
19 to address unmet needs.

20 (2) Evaluate the performance of juvenile services and programs in the  
21 community. The Council shall evaluate each funded program as a  
22 condition of continued funding.

23 (3) Increase public awareness of the causes of delinquency and of strategies  
24 to reduce the problem.

25 (4) Develop strategies to intervene and appropriately respond to and treat  
26 the needs of juveniles at risk of delinquency through appropriate risk  
27 assessment instruments.

28 (5) Provide funds for services for treatment, counseling, or rehabilitation for  
29 juveniles and their families. These services may include court-ordered  
30 parenting responsibility classes.

31 (6) Plan for the establishment of a permanent funding stream for  
32 delinquency prevention services.

33 (d) The Councils may examine the benefits of joint program development between  
34 counties within the same judicial district.

35 **"§ 143B-535. Funding for programs.**

36 (a) Annually, the Department shall develop and implement a funding mechanism  
37 for programs that meet the standards developed under this Part. The Department shall  
38 ensure that the guidelines for the State and local partnership's funding process include the  
39 following requirements:

40 (1) Fund effective programs. – The Department shall fund programs that it  
41 determines to be effective in preventing delinquency and recidivism.  
42 Programs that have proven to be ineffective shall not be funded.

1           (2)    Use a formula for the distribution of funds. – A funding formula shall be  
2           developed that ensures that even the smallest counties will be able to  
3           provide the basic prevention and alternative services to juveniles in their  
4           communities.

5           (3)    Allow and encourage local flexibility. – A vital component of the State  
6           and local partnership established by this section is local flexibility to  
7           determine how best to allocate prevention and alternative funds.

8           (4)    Combine resources. – Counties shall be allowed and encouraged to  
9           combine resources and services.

10          (b)    The Department shall adopt rules to implement this section. The Department  
11          shall provide technical assistance to County Councils and shall require them to evaluate  
12          all State-funded programs and services on an ongoing and regular basis.

13                   **"PART 7. STATE ADVISORY COUNCIL ON JUVENILE JUSTICE**  
14                   **AND DELINQUENCY PREVENTION.**

15          **"§ 143B-536. Creation of Council; purpose; members; duties.**

16          (a)    There is created the State Advisory Council on Juvenile Justice and  
17          Delinquency Prevention. The State Council shall be located within the Department for  
18          organizational, budgetary, and administrative purposes.

19          (b)    The purpose of the State Council is to review and advise the Department in the  
20          development of a comprehensive interagency plan to reduce juvenile delinquency and  
21          substance abuse and to coordinate efforts among State agencies providing services and  
22          supervision to juveniles who are at risk of delinquency and for juveniles who have been  
23          adjudicated of delinquent and undisciplined behavior.

24          (c)    The State Council shall consist of 20 members as follows:

25               (1)    The Governor shall appoint five persons, one of whom is a private  
26               citizen who has demonstrated an interest in and commitment to juvenile  
27               justice issues.

28               (2)    The Chief Justice of the Supreme Court shall appoint four persons.

29               (3)    The following persons, or their designees, shall serve ex officio:

30                   a.    The Governor.

31                   b.    The Chief Justice of the Supreme Court.

32                   c.    The President Pro Tempore of the Senate.

33                   d.    The Speaker of the House of Representatives.

34                   e.    The Director of the Administrative Office of the Courts.

35                   f.    The Superintendent of Public Instruction.

36                   g.    The Secretary of Administration.

37                   h.    The Secretary of Health and Human Services.

38                   i.    The Secretary of Correction.

39                   j.    The Secretary of Crime Control and Public Safety.

40                   k.    The President of The University of North Carolina.

41          (d)    Initial members, other than ex officio members, who were appointed under  
42          former G.S. 147-33.70 and whose terms began January 1, 1999, shall serve for terms as  
43          follows:

1           (1) Three members appointed by the Governor shall serve for terms of two  
2 years and two members for terms of three years.

3           (2) Two members appointed by the Chief Justice of the Supreme Court  
4 shall serve for terms of two years and two members for terms of three  
5 years.

6 Thereafter, members, other than ex officio members, shall serve for two-year terms.  
7 There is no prohibition against initial members being reappointed.

8           (e) The Governor and Chief Justice of the Supreme Court shall serve as cochairs  
9 of the State Council.

10           (f) A vacancy on the State Council resulting from the resignation of a member or  
11 otherwise shall be filled in the same manner in which the original appointment was made,  
12 and the term shall be for the balance of the unexpired term.

13           (g) State Council members shall receive no salary as a result of serving on the  
14 Council but shall receive per diem, subsistence, and travel expenses in accordance with  
15 G.S. 120-3.1, 138-5, and 138-6, as applicable.

16           (h) Members may be removed in accordance with G.S. 143B-13 as if that section  
17 applied to this Article.

18           (i) The chairs shall convene the Council. Meetings shall be held as often as  
19 necessary but not less than four times a year.

20           (j) A majority of the members of the Council shall constitute a quorum for the  
21 transaction of business. The affirmative vote of a majority of the members present at  
22 meetings of the Council is necessary for action to be taken by the Council.

23 **"§ 143B-537. Powers and duties of the Council.**

24 The State Council shall have the following powers and duties:

25           (1) Advise the Department in the review of the State's juvenile justice  
26 planning, the development of the community juvenile justice councils,  
27 and the development of a formula for the distribution of funds to  
28 Juvenile Crime Prevention Councils.

29           (2) Advise all State agencies serving juveniles for the purpose of  
30 developing a consistent philosophy with regard to providing services to  
31 juveniles and promoting collaboration and the efficient and effective  
32 delivery of services to juveniles and families through State, local, and  
33 district programs and fully address problems of collaboration across  
34 State agencies with the goal of serving juveniles.

35           (3) Review and comment on juvenile justice, delinquency prevention, and  
36 juvenile services grant applications prepared for submission under any  
37 federal grant program by any governmental entity of the State.

38           (4) Review the juvenile justice system's operation and prioritization of  
39 funding needs.

40           (5) Review the progress and accomplishment of State and local juvenile  
41 justice, delinquency prevention, and juvenile services projects.

42           (6) Develop recommendations concerning the establishment of priorities  
43 and needed improvements with respect to juvenile justice, delinquency

1 prevention, and juvenile services and report its recommendations to the  
2 General Assembly on or before March 1 each year.

3 (7) Review and comment on the proposed budget for the Department."

#### 4 **PART II. REVISIONS TO THE JUVENILE CODE.**

5 Section 2. G.S. 7B-1501 reads as rewritten:

#### 6 **"§ 7B-1501. Definitions.**

7 In this Subchapter, unless the context clearly requires otherwise, the following words  
8 have the listed meanings:

9 (1) Chief court counselor. – The person responsible for administration and  
10 supervision of juvenile intake, probation, and post-release supervision in  
11 each judicial district, operating under the supervision of the ~~Office of~~  
12 ~~Juvenile Justice.~~—Department of Juvenile Justice and Delinquency  
13 Prevention.

14 (2) Clerk. – Any clerk of superior court, acting clerk, or assistant or deputy  
15 clerk.

16 (3) Community-based program. – A program providing nonresidential or  
17 residential treatment to a juvenile under the jurisdiction of the juvenile  
18 court in the community where the juvenile's family lives. A community-  
19 based program may include specialized foster care, family counseling,  
20 shelter care, and other appropriate treatment.

21 (4) Court. – The district court division of the General Court of Justice.

22 (5) Court counselor. – A person responsible for probation and post-release  
23 supervision to juveniles under the supervision of the chief court  
24 counselor.

25 (6) Custodian. – The person or agency that has been awarded legal custody  
26 of a juvenile by a court.

27 (7) Delinquent juvenile. – Any juvenile who, while less than 16 years of  
28 age but at least 6 years of age, commits a crime or infraction under State  
29 law or under an ordinance of local government, including violation of  
30 the motor vehicle laws.

31 (7a) Department. – The Department of Juvenile Justice and Delinquency  
32 Prevention created under Article 12 of Chapter 143B of the General  
33 Statutes.

34 (8) Detention. – The secure confinement of a juvenile under a court order.

35 (9) Detention facility. – A facility approved to provide secure confinement  
36 and care for juveniles. Detention facilities include both State and locally  
37 administered detention homes, centers, and facilities.

38 (10) District. – Any district court district as established by G.S. 7A-133.

39 (11) Holdover facility. – A place in a jail which has been approved by the  
40 Department of Health and Human Services as meeting the State  
41 standards for detention as required in G.S. 153A-221 providing close  
42 supervision where the juvenile cannot converse with, see, or be seen by  
43 the adult population.

- 1 (12) House arrest. – A requirement that the juvenile remain at the juvenile's  
2 residence unless the court or the juvenile court counselor authorizes the  
3 juvenile to leave for specific purposes.
- 4 (13) Intake counselor. – A person who screens and evaluates a complaint  
5 alleging that a juvenile is delinquent or undisciplined to determine  
6 whether the complaint should be filed as a petition.
- 7 (14) Interstate Compact on Juveniles. – An agreement ratified by 50 states  
8 and the District of Columbia providing a formal means of returning a  
9 juvenile, who is an absconder, escapee, or runaway, to the juvenile's  
10 home state, and codified in Article 28 of this Chapter.
- 11 (15) Judge. – Any district court judge.
- 12 (16) Judicial district. – Any district court district as established by G.S. 7A-  
13 133.
- 14 (17) Juvenile. – Except as provided in subdivisions (7) and (27) of this  
15 section, any person who has not reached the person's eighteenth  
16 birthday and is not married, emancipated, or a member of the armed  
17 forces of the United States. Wherever the term "juvenile" is used with  
18 reference to rights and privileges, that term encompasses the attorney  
19 for the juvenile as well.
- 20 (18) Juvenile court. – Any district court exercising jurisdiction under this  
21 Chapter.
- 22 ~~(19) Office. – The Office of Juvenile Justice.~~
- 23 (20) Petitioner. – The individual who initiates court action by the filing of a  
24 petition or a motion for review alleging the matter for adjudication.
- 25 (21) Post-release supervision. – The supervision of a juvenile who has been  
26 returned to the community after having been committed to the ~~Office~~  
27 Department for placement in a training school.
- 28 (22) Probation. – The status of a juvenile who has been adjudicated  
29 delinquent, is subject to specified conditions under the supervision of a  
30 court counselor, and may be returned to the court for violation of those  
31 conditions during the period of probation.
- 32 (23) Prosecutor. – The district attorney or assistant district attorney assigned  
33 by the district attorney to juvenile proceedings.
- 34 (24) Protective supervision. – The status of a juvenile who has been  
35 adjudicated undisciplined and is under the supervision of a court  
36 counselor.
- 37 (25) Teen court program. – A community resource for the diversion of cases  
38 in which a juvenile has allegedly committed certain offenses for hearing  
39 by a jury of the juvenile's peers, which may assign the juvenile to  
40 counseling, restitution, curfews, community service, or other  
41 rehabilitative measures.
- 42 (26) Training school. – A secure residential facility authorized to provide  
43 long-term treatment, education, and rehabilitative services for

1 delinquent juveniles committed by the court to the ~~Office of Juvenile~~  
2 ~~Justice Department~~.

3 (27) Undisciplined juvenile. –

4 a. A juvenile who, while less than 16 years of age but at least 6  
5 years of age, is unlawfully absent from school; or is regularly  
6 disobedient to and beyond the disciplinary control of the  
7 juvenile's parent, guardian, or custodian; or is regularly found in  
8 places where it is unlawful for a juvenile to be; or has run away  
9 from home for a period of more than 24 hours; or

10 b. A juvenile who is 16 or 17 years of age and who is regularly  
11 disobedient to and beyond the disciplinary control of the  
12 juvenile's parent, guardian, or custodian; or is regularly found in  
13 places where it is unlawful for a juvenile to be; or has run away  
14 from home for a period of more than 24 hours.

15 (28) Wilderness program. – A rehabilitative residential treatment program in  
16 a rural or outdoor setting.

17 The singular includes the plural, unless otherwise specified."

18 Section 3. The Revisor of Statutes shall substitute the term "Department of  
19 Juvenile Justice and Delinquency Prevention" for the term "Office of Juvenile  
20 Justice" everywhere that term appears in the General Statutes, except for those sections of  
21 the General Statutes amended in this act. Except where the statutes specifically reference  
22 the Administrative Office of the Courts or the Office of Guardian Ad Litem Services, the  
23 Revisor of Statutes shall substitute the term "Department" for the term  
24 "Office" everywhere that term appears in Subchapters II and III of Chapter 7B of the  
25 General Statutes.

### 26 PART III. CONFORMING CHANGES TO THE GENERAL STATUTES.

27 Section 4.(a) G.S. 7A-302 reads as rewritten:

#### 28 "§ 7A-302. Counties and municipalities responsible for physical facilities.

29 In each county in which a district court has been established, courtrooms, office space  
30 for juvenile court counselors and support staff as assigned by the ~~Office of Juvenile Justice,~~  
31 Department of Juvenile Justice and Delinquency Prevention, and related judicial facilities  
32 (including furniture), as defined in this Subchapter, shall be provided by the county,  
33 except that courtrooms and related judicial facilities may, with the approval of the  
34 Administrative Officer of the Courts, after consultation with county and municipal  
35 authorities, be provided by a municipality in the county. To assist a county or  
36 municipality in meeting the expense of providing courtrooms and related judicial  
37 facilities, a part of the costs of court, known as the "facilities fee," collected for the State  
38 by the clerk of superior court, shall be remitted to the county or municipality providing  
39 the facilities."

40 Section 4.(b) G.S. 7A-343.1 reads as rewritten:

#### 41 "§ 7A-343.1. Distribution of copies of the appellate division reports.

1 The Administrative Officer of the Courts shall, at the State's expense distribute such  
 2 number of copies of the appellate division reports to federal, State departments and  
 3 agencies, and to educational institutions of instruction, as follows:

4		
5	Governor, Office of the	1
6	Lieutenant Governor, Office of the	1
7	Secretary of State, Department of the	2
8	State Auditor, Department of the	1
9	Treasurer, Department of the State	1
10	Superintendent of Public Instruction	1
11	Office of the Attorney General	11
12	State Bureau of Investigation	1
13	Agriculture and Consumer Services, Department of	1
14	Labor, Department of	1
15	Insurance, Department of	1
16	Budget Bureau, Department of Administration	1
17	Property Control, Department of Administration	1
18	State Planning, Department of Administration	1
19	Environment and Natural Resources, Department of	1
20	Revenue, Department of	1
21	Health and Human Services, Department of	1
22	<del>Juvenile Justice, Office of</del>	
23	<u>Juvenile Justice and Delinquency Prevention,</u>	
24	<u>Department of</u>	1
25	Commission for the Blind	1
26	Transportation, Department of	1
27	Motor Vehicles, Division of	1
28	Utilities Commission	8
29	Industrial Commission	11
30	State Personnel Commission	1
31	Office of State Personnel	1
32	Office of Administrative Hearings	2
33	Community Colleges, Department of	38
34	Employment Security Commission	1
35	Commission of Correction	1
36	Parole Commission	1
37	Archives and History, Division of	1
38	Crime Control and Public Safety, Department of	2
39	Cultural Resources, Department of	3
40	Legislative Building Library	2
41	Justices of the Supreme Court	1 ea.
42	Judges of the Court of Appeals	1 ea.
43	Judges of the Superior Court	1 ea.

1	Clerks of the Superior Court	1 ea.
2	District Attorneys	1 ea.
3	Emergency and Special Judges of the Superior Court	1 ea.
4	Supreme Court Library	AS MANY AS REQUESTED
5	Appellate Division Reporter	1
6	University of North Carolina, Chapel Hill	71
7	University of North Carolina, Charlotte	1
8	University of North Carolina, Greensboro	1
9	University of North Carolina, Asheville	1
10	North Carolina State University, Raleigh	1
11	Appalachian State University	1
12	East Carolina University	1
13	Fayetteville State University	1
14	North Carolina Central University	17
15	Western Carolina University	1
16	Duke University	17
17	Davidson College	2
18	Wake Forest University	25
19	Lenoir Rhyne College	1
20	Elon College	1
21	Campbell University	25
22	Federal, Out-of-State and Foreign Secretary of State	1
23	Secretary of Defense	1
24	Secretary of Health, Education and Welfare	1
25	Secretary of Housing and Urban Development	1
26	Secretary of Transportation	1
27	Attorney General	1
28	Department of Justice	1
29	Internal Revenue Service	1
30	Veterans' Administration	1
31	Library of Congress	5
32	Federal Judges resident in North Carolina	1 ea.
33	Marshal of the United States Supreme Court	1
34	Federal District Attorneys resident in North Carolina	1 ea.
35	Federal Clerks of Court resident in North Carolina	1 ea.
36	Supreme Court Library exchange list	1

37 Each justice of the Supreme Court and judge of the Court of Appeals shall receive for  
38 private use, one complete and up-to-date set of the appellate division reports. The copies  
39 of reports furnished each justice or judge as set out in the table above may be retained  
40 personally to enable the justice or judge to keep up-to-date the personal set of reports."

41 Section 4.(c) G.S. 14-316.1 reads as rewritten:

42 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

1 Any person who is at least 16 years old who knowingly or willfully causes,  
2 encourages, or aids any juvenile within the jurisdiction of the court to be in a place or  
3 condition, or to commit an act whereby the juvenile could be adjudicated delinquent,  
4 undisciplined, abused, or neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be  
5 guilty of a Class 1 misdemeanor.

6 It is not necessary for the district court exercising juvenile jurisdiction to make an  
7 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order  
8 to prosecute a parent or any person, including an employee of the ~~Office of Juvenile Justice~~  
9 Department of Juvenile Justice and Delinquency Prevention under this section. An  
10 adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not  
11 preclude a subsequent prosecution of a parent or any other person including an employee  
12 of the ~~Office of Juvenile Justice~~, Department of Juvenile Justice and Delinquency  
13 Prevention, who contributes to the delinquent, undisciplined, abused, or neglected  
14 condition of any juvenile."

15 Section 4.(d) G.S. 17C-3(a) reads as rewritten:

16 "(a) There is established the North Carolina Criminal Justice Education and  
17 Training Standards Commission, hereinafter called "the Commission," in the Department  
18 of Justice. The Commission shall be composed of 26 members as follows:

- 19 (1) Police Chiefs. – Three police chiefs selected by the North Carolina  
20 Association of Chiefs of Police and one police chief appointed by the  
21 Governor.
- 22 (2) Police Officers. – Three police officials appointed by the North Carolina  
23 Police Executives Association and two criminal justice officers certified  
24 by the Commission as selected by the North Carolina Law-Enforcement  
25 Officers' Association.
- 26 (3) Departments. – The Attorney General of the State of North Carolina; the  
27 Secretary of the Department of Crime Control and Public Safety; the  
28 Secretary of the Department of Correction; the President of the  
29 Department of Community Colleges.
- 30 (3a) A representative of the ~~Office of Juvenile Justice~~. Department of Juvenile  
31 Justice and Delinquency Prevention.
- 32 (4) At-large Groups. – One individual representing and appointed by each  
33 of the following organizations: one mayor selected by the League of  
34 Municipalities; one law-enforcement training officer selected by the  
35 North Carolina Law-Enforcement Training Officers' Association; one  
36 criminal justice professional selected by the North Carolina Criminal  
37 Justice Association; one sworn law-enforcement officer selected by the  
38 North State Law-Enforcement Officers' Association; one member  
39 selected by the North Carolina Law-Enforcement Women's Association;  
40 and one District Attorney selected by the North Carolina Association of  
41 District Attorneys.
- 42 (5) Citizens and Others. – The President of The University of North  
43 Carolina; the Director of the Institute of Government; and two citizens,

one of whom shall be selected by the Governor and one of whom shall be selected by the Attorney General. The General Assembly shall appoint two persons, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. Appointments by the General Assembly shall serve two-year terms to conclude on June 30th in odd-numbered years."

Section 4.(e) G.S. 20-79.5(a) reads as rewritten:

"(a) Plates. – The State government officials listed in this section are eligible for a special registration plate under G.S. 20-79.4. The plate shall bear the number designated in the following table for the position held by the official.

Position	Number on Plate
Governor	1
Lieutenant Governor	2
Speaker of the House of Representative	3
President Pro Tempore of the Senate	4
Secretary of State	5
State Auditor	6
State Treasurer	7
Superintendent of Public Instruction	8
Attorney General	9
Commissioner of Agriculture	10
Commissioner of Labor	11
Commissioner of Insurance	12
Speaker Pro Tempore of the House	13
Legislative Services Officer	14
Secretary of Administration	15
Secretary of Environment and Natural Resources	16
Secretary of Revenue	17
Secretary of Health and Human Services	18
Secretary of Commerce	19
Secretary of Correction	20
Secretary of Cultural Resources	21
Secretary of Crime Control and Public Safety	22
<u>Secretary of Juvenile Justice and</u>	
<u>Delinquency Prevention</u>	<u>23</u>
Governor's Staff	<del>23-29</del>
	<u>24-29</u>
State Budget Officer	30
State Personnel Director	31
Advisory Budget Commission Nonlegislative Member	32-41

1	Chair of the State Board of Education	42
2	President of the U.N.C. System	43
3	Alcoholic Beverage Control Commission	44-46
4	Assistant Commissioners of Agriculture	47-48
5	Deputy Secretary of State	49
6	Deputy State Treasurer	50
7	Assistant State Treasurer	51
8	Deputy Commissioner for the Department of Labor	52
9	Chief Deputy for the Department of Insurance	53
10	Assistant Commissioner of Insurance	54
11	Deputies and Assistant to the Attorney General	55-65
12	Board of Economic Development Nonlegislative Member	66-88
13	State Ports Authority Nonlegislative Member	89-96
14	Utilities Commission Member	97-104
15	Post-Release Supervision and	
16	Parole Commission Member	105-109
17	State Board Member, Commission Member,	
18	or State Employee Not Named in List	110-200".
19	Section 4.(f) G.S. 66-58(b) reads as rewritten:	
20	"(b) The provisions of subsection (a) of this section shall not apply to:	
21	(1) Counties and municipalities.	
22	(2) The Department of Health and Human Services or the Department of	
23	Agriculture and Consumer Services for the sale of serums, vaccines, and	
24	other like products.	
25	(3) The Department of Administration, except that the agency shall not	
26	exceed the authority granted in the act creating the agency.	
27	(4) The State hospitals for the mentally ill.	
28	(5) The Department of Health and Human Services.	
29	(6) The North Carolina School for the Blind at Raleigh.	
30	(6a) <del>The Office of Juvenile Justice.</del> <u>Department of Juvenile Justice and</u>	
31	<u>Delinquency Prevention.</u>	
32	(7) The North Carolina Schools for the Deaf.	
33	(8) The Greater University of North Carolina with regard to its utilities and	
34	other services now operated by it nor to the sale of articles produced	
35	incident to the operation of instructional departments, articles incident	
36	to educational research, articles of merchandise incident to classroom	
37	work, meals, books, or to articles of merchandise not exceeding twenty-	
38	five cents (25¢) in value when sold to members of the educational staff	
39	or staff auxiliary to education or to duly enrolled students or	
40	occasionally to immediate members of the families of members of the	
41	educational staff or of duly enrolled students nor to the sale of meals or	
42	merchandise to persons attending meetings or conventions as invited	
43	guests nor to the operation by the University of North Carolina of an inn	

1 or hotel and dining and other facilities usually connected with a hotel or  
2 inn, nor to the hospital and Medical School of the University of North  
3 Carolina, nor to the Coliseum of North Carolina State University at  
4 Raleigh, and the other schools and colleges for higher education  
5 maintained or supported by the State, nor to the Centennial Campus of  
6 North Carolina State University at Raleigh, nor to the Horace Williams  
7 Campus of the University of North Carolina at Chapel Hill, nor to the  
8 comprehensive student health services or the comprehensive student  
9 infirmaries maintained by the constituent institutions of the University  
10 of North Carolina.

11 (9) The Department of Environment and Natural Resources, except that the  
12 Department shall not construct, maintain, operate or lease a hotel or  
13 tourist inn in any park over which it has jurisdiction. The North  
14 Carolina Wildlife Resources Commission may sell wildlife memorabilia  
15 as a service to members of the public interested in wildlife conservation.

16 (10) Child-caring institutions or orphanages receiving State aid.

17 (11) Highlands School in Macon County.

18 (12) The North Carolina State Fair.

19 (13) Rural electric memberships corporations.

20 (13a) State Farm Operations Commission.

21 (13b) The Department of Agriculture and Consumer Services with regard to  
22 its lessees at farmers' markets operated by the Department.

23 (13c) The Western North Carolina Agricultural Center.

24 (13d) Agricultural centers or livestock facilities operated by the Department of  
25 Agriculture and Consumer Services.

26 (14) Nothing herein contained shall be construed to prohibit the engagement  
27 in any of the activities described in subsection (a) hereof by a firm,  
28 corporation or person who or which is a lessee of space only of the State  
29 of North Carolina or any of its departments or agencies; provided the  
30 leases shall be awarded by the Department of Administration to the  
31 highest bidder, as provided by law in the case of State contracts and  
32 which lease shall be for a term of not less than one year and not more  
33 than five years.

34 (15) The State Department of Correction is authorized to purchase and install  
35 automobile license tag plant equipment for the purpose of  
36 manufacturing license tags for the State and local governments and for  
37 such other purposes as the Department may direct.

38 The Commissioner of Motor Vehicles, or such other authority as may  
39 exercise the authority to purchase automobile license tags is hereby  
40 directed to purchase from, and to contract with, the State Department of  
41 Correction for the State automobile license tag requirements from year  
42 to year.

1           The price to be paid to the State Department of Correction for the  
2 tags shall be fixed and agreed upon by the Governor, the State  
3 Department of Correction, and the Motor Vehicle Commissioner, or  
4 such authority as may be authorized to purchase the supplies.

- 5           (16) Laundry services performed by the Department of Correction may be  
6 provided only for agencies and instrumentalities of the State which are  
7 supported by State funds and for county or municipally controlled and  
8 supported hospitals presently being served by the Department of  
9 Correction, or for which services have been contracted or applied for in  
10 writing, as of May 22, 1973. In addition to the prior sentence, laundry  
11 services performed by the Department of Correction may be provided  
12 for the Governor Morehead School and the North Carolina School for  
13 the Deaf.

14           The services shall be limited to wet-washing, drying and ironing of  
15 flatwear or flat goods such as towels, sheets and bedding, linens and  
16 those uniforms prescribed for wear by the institutions and further  
17 limited to only flat goods or apparel owned, distributed or controlled  
18 entirely by the institutions and shall not include processing by any dry-  
19 cleaning methods; provided, however, those garments and items  
20 presently being serviced by wet-washing, drying and ironing may in the  
21 future, at the election of the Department of Correction, be processed by  
22 a dry-cleaning method.

- 23           (17) The North Carolina Global TransPark Authority or a lessee of the  
24 Authority.  
25           (18) The activities and products of private enterprise carried on or  
26 manufactured within a State prison facility under G.S. 148-70.  
27           (19) The North Carolina Justice Academy.  
28           (20) The Department of Transportation, or any nonprofit lessee of the  
29 Department, for the sale of books, crafts, gifts, and other tourism-related  
30 items at visitor centers owned by the Department."

31 Section 4.(g) G.S. 66-58(c)(7) reads as rewritten:

- 32           "(7) The operation by penal, correctional or facilities operated by the  
33 Department of Health and Human Services, the ~~Office of Juvenile Justice,~~  
34 Department of Juvenile Justice and Delinquency Prevention, or by the  
35 Department of Agriculture and Consumer Services, of dining rooms for  
36 the inmates or clients or members of the staff while on duty and for the  
37 accommodation of persons visiting the inmates or clients, and other  
38 bona fide visitors."

39 Section 4.(h) G.S. 114-19.6 reads as rewritten:

- 40 **"§ 114-19.6. Criminal history record checks of employees of and applicants for**  
41 **employment with the Department of Health and Human Services, and the**  
42 **~~Office of Juvenile Justice.~~ Department of Juvenile Justice and Delinquency**  
43 **Prevention.**

1 (a) Definitions. – As used in this section, the term:

2 (1) "Covered person" means:

- 3 a. An applicant for employment or a current employee in a position  
4 in the Department of Health and Human Services or the ~~Office of~~  
5 ~~Juvenile Justice~~ Department of Juvenile Justice and Delinquency  
6 Prevention who provides direct care for a client, patient, student,  
7 resident or ward of the Department; or  
8 b. Supervises positions providing direct care as outlined in sub-  
9 subdivision a. of this subdivision.

10 (2) "Criminal history" means a State or federal history of conviction of a  
11 crime, whether a misdemeanor or felony, that bears upon a covered  
12 person's fitness for employment in the Department of Health and  
13 Human Services or the ~~Office of Juvenile Justice~~ Department of Juvenile  
14 Justice and Delinquency Prevention. The crimes include, but are not  
15 limited to, criminal offenses as set forth in any of the following Articles  
16 of Chapter 14 of the General Statutes: Article 5, Counterfeiting and  
17 Issuing Monetary Substitutes; Article 5A, Endangering Executive and  
18 Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other  
19 Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and  
20 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive  
21 or Incendiary Device or Material; Article 14, Burglary and Other  
22 Housebreakings; Article 15, Arson and Other Burnings; Article 16,  
23 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19,  
24 False Pretenses and Cheats; Article 19A, Obtaining Property or Services  
25 by False or Fraudulent Use of Credit Device or Other Means; Article  
26 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article  
27 21, Forgery; Article 26, Offenses Against Public Morality and Decency;  
28 Article 26A, Adult Establishments; Article 27, Prostitution; Article 28,  
29 Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office;  
30 Article 35, Offenses Against the Public Peace; Article 36A, Riots and  
31 Civil Disorders; Article 39, Protection of Minors; Article 40, Protection  
32 of the Family; Article 59, Public Intoxication; and Article 60,  
33 Computer-Related Crime. The crimes also include possession or sale of  
34 drugs in violation of the North Carolina Controlled Substances Act,  
35 Article 5 of Chapter 90 of the General Statutes, and alcohol-related  
36 offenses such as sale to underage persons in violation of G.S. 18B-302,  
37 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-  
38 138.5.

39 (b) When requested by the Department of Health and Human Services or the  
40 ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention, the  
41 North Carolina Department of Justice may provide to the ~~Department or Office requesting~~  
42 department a covered person's criminal history from the State Repository of Criminal  
43 Histories. Such requests shall not be due to a person's age, sex, race, color, national

1 origin, religion, creed, political affiliation, or handicapping condition as defined by G.S.  
2 168A-3. For requests for a State criminal history record check only, the ~~Department or~~  
3 ~~Office requesting department~~ shall provide to the Department of Justice a form consenting  
4 to the check signed by the covered person to be checked and any additional information  
5 required by the Department of Justice. National criminal record checks are authorized for  
6 covered applicants who have not resided in the State of North Carolina during the past  
7 five years. For national checks the ~~Department or Office of Health and Human Services or~~  
8 ~~the Department of Juvenile Justice and Delinquency Prevention~~ shall provide to the North  
9 Carolina Department of Justice the fingerprints of the covered person to be checked, any  
10 additional information required by the Department of Justice, and a form signed by the  
11 covered person to be checked consenting to the check of the criminal record and to the  
12 use of fingerprints and other identifying information required by the State or National  
13 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of  
14 Investigation for a search of the State criminal history record file and the State Bureau of  
15 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for  
16 a national criminal history record check. The Department of Health and Human Services  
17 and the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency  
18 Prevention shall keep all information under this section confidential. The Department of  
19 Justice shall charge a reasonable fee for conducting the checks of the criminal history  
20 records authorized by this section.

21 (c) All releases of criminal history information to the Department of Health and  
22 Human Services or the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and  
23 Delinquency Prevention shall be subject to, and in compliance with, rules governing the  
24 dissemination of criminal history record checks as adopted by the North Carolina  
25 Division of Criminal Information. All of the information ~~the Department or Office either~~  
26 ~~department~~ receives through the checking of the criminal history is privileged  
27 information and for the exclusive use of ~~the Department or Office~~ that department.

28 (d) If the covered person's verified criminal history record check reveals one or  
29 more convictions covered under subsection (a) of this section, then the conviction shall  
30 constitute just cause for not selecting the person for employment, or for dismissing the  
31 person from current employment with the Department of Health and Human Services or  
32 the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention.  
33 The conviction shall not automatically prohibit employment; however, the following  
34 factors shall be considered by the ~~Department or Office of Health and Human Services or~~  
35 ~~the Department of Juvenile Justice and Delinquency Prevention~~ in determining whether  
36 employment shall be denied:

- 37 (1) The level and seriousness of the crime;
- 38 (2) The date of the crime;
- 39 (3) The age of the person at the time of the conviction;
- 40 (4) The circumstances surrounding the commission of the crime, if known;
- 41 (5) The nexus between the criminal conduct of the person and job duties of
- 42 the person;

1 (6) The prison, jail, probation, parole, rehabilitation, and employment  
2 records of the person since the date the crime was committed; and

3 (7) The subsequent commission by the person of a crime listed in  
4 subsection (a) of this section.

5 (e) The Department of Health and Human Services and the ~~Office of Juvenile~~  
6 ~~Justice—Department of Juvenile Justice and Delinquency Prevention~~ may deny  
7 employment to or dismiss a covered person who refuses to consent to a criminal history  
8 record check or use of fingerprints or other identifying information required by the State  
9 or National Repositories of Criminal Histories. Any such refusal shall constitute just  
10 cause for the employment denial or the dismissal from employment.

11 (f) The Department of Health and Human Services and the ~~Office of Juvenile~~  
12 ~~Justice—Department of Juvenile Justice and Delinquency Prevention~~ may extend a  
13 conditional offer of employment pending the results of a criminal history record check  
14 authorized by this section."

15 Section 4.(i) G.S. 114-21(b) reads as rewritten:

16 "(b) The ~~Office of Juvenile Justice—Department of Juvenile Justice and Delinquency~~  
17 ~~Prevention~~ shall ensure that all juvenile court counselors and other Division personnel  
18 receive the minority sensitivity training specified in subsection (a) of this section."

19 Section 4.(j) G.S. 115C-110 reads as rewritten:

20 "**§ 115C-110. Services mandatory; single-agency responsibility; State and local**  
21 **plans; census and registration.**

22 (a) The Board shall cause to be provided by all local school administrative units  
23 and by all other State and local governmental agencies providing special education  
24 services or having children with special needs in their care, custody, management,  
25 jurisdiction, control, or programs, special education and related services appropriate to all  
26 children with special needs. In this regard, all local school administrative units and all  
27 other State and local governmental agencies providing special education and related  
28 services shall explore available local resources and determine whether the services are  
29 currently being offered by an existing public or private agency.

30 When a specified special education or related service is being offered by a local  
31 public or private resource, any unit or agency described above shall negotiate for the  
32 purchase of that service or shall present full consideration of alternatives and its  
33 recommendations to the Board. In this regard, a new or additional program for special  
34 education or related services shall be developed with the approval of the Board only  
35 when that service is not being provided by existing public or private resources or the  
36 service cannot be purchased from existing providers. Further, the Board shall support and  
37 encourage joint and collaborative special education planning and programming at local  
38 levels to include local administrative units and the programs and agencies of the  
39 ~~Departments of Health and Human Services and Correction and the Office of Juvenile Justice.~~  
40 Services, Correction, and Juvenile Justice and Delinquency Prevention.

41 The jurisdiction of the Board with respect to the design and content of special  
42 education programs or related services for children with special needs extends to and  
43 over the Department of Health and Human Services, the ~~Office of Juvenile Justice,~~

1 Department of Juvenile Justice and Delinquency Prevention, and the Department of  
2 Correction.

3 All provisions of this Article that are specifically applicable to local school  
4 administrative units also are applicable to the Department of Health and Human Services,  
5 ~~the Office of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention,~~  
6 and the Department of Correction and their divisions and agencies; all duties,  
7 responsibilities, rights and privileges specifically imposed on or granted to local school  
8 administrative units by this Article also are imposed on or granted to the Department of  
9 Health and Human Services, ~~the Office of Juvenile Justice, Department of Juvenile Justice~~  
10 ~~and Delinquency Prevention,~~ and the Department of Correction and their divisions and  
11 agencies. However, with respect to children with special needs who are residents or  
12 patients of any state-operated or state-supported residential treatment facility, including  
13 without limitation, a school for the deaf, school for the blind, mental hospital or center,  
14 mental retardation center, or in a facility operated by the ~~Office of Juvenile Justice,~~  
15 ~~Department of Juvenile Justice and Delinquency Prevention,~~ the Department of  
16 Correction or any of its divisions and agencies, the Board shall have the power to contract  
17 with the Department of Health and Human Services, ~~the Office of Juvenile Justice,~~  
18 ~~Department of Juvenile Justice and Delinquency Prevention,~~ and the Department of  
19 Correction for the provision of special education and related services and the power to  
20 review, revise and approve any plans for special education and related services to those  
21 residents.

22 The Departments of Health and Human ~~Services and Correction and the Office of~~  
23 ~~Juvenile Justice Services, Correction, and Juvenile Justice and Delinquency Prevention~~  
24 shall submit to the Board their plans for the education of children with special needs in  
25 their care, custody, or control. The Board shall have general supervision and shall set  
26 standards, by rule or regulation, for the programs of special education to be administered  
27 by it, by local educational agencies, and by the Departments of Health and Human  
28 ~~Services and Correction and the Office of Juvenile Justice.~~ ~~Services, Correction, and Juvenile~~  
29 ~~Justice and Delinquency Prevention.~~ The Board may grant specific exemptions for  
30 programs administered by the Department of Health and Human Services, ~~the Office of~~  
31 ~~Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention,~~ or the  
32 Department of Correction when compliance by them with the Board's standards would, in  
33 the Board's judgment, impose undue hardship on this Department ~~or Office~~ and when  
34 other procedural due process requirements, substantially equivalent to those of G.S.  
35 115C-116, are assured in programs of special education and related services furnished to  
36 children with special needs served by this ~~Department or Office.~~ ~~Department.~~ Further, the  
37 Board shall recognize that inpatient and residential special education programs within the  
38 Departments of Health and Human ~~Services and Correction and the Office of Juvenile Justice~~  
39 ~~Services, Correction, and Juvenile Justice and Delinquency Prevention~~ may require more  
40 program resources than those necessary for optimal operation of these programs in local  
41 school administrative units.

1 Every State and local department, division, unit or agency covered by this section is  
2 hereinafter referred to as a "local educational agency" unless the text of this Article  
3 otherwise provides.

4 (b) The Board shall make and keep current a plan for the implementation of the  
5 policy set forth in G.S. 115C-106(b). The plan shall include:

- 6 (1) A census of the children with special needs in the State, as required by  
7 subsection (j) of this section;
- 8 (2) A procedure for diagnosis and evaluation of each child;
- 9 (3) An inventory of the personnel and facilities available to provide special  
10 education for these children;
- 11 (4) An analysis of the present distribution of responsibility for special  
12 education between State and local educational agencies, together with  
13 recommendations for any necessary or desirable changes in the  
14 distribution of responsibilities;
- 15 (5) Standards for the education of children with special needs;
- 16 (6) Programs and procedures for the development and implementation of a  
17 comprehensive system of personnel development; and
- 18 (7) Any additional matters, including recommendations for amendment of  
19 laws, changes in administrative regulations, rules and practices and  
20 patterns of special organization, and changes in levels and patterns of  
21 education financial support.

22 (c) The Board shall annually submit amendments to or revisions of the plan  
23 required by subsection (b) to the Governor and General Assembly and make it available  
24 for public comment under subdivision (1) and for public distribution no less than 30 days  
25 before January 15 of each year. All such submissions shall set forth in detail the progress  
26 made in the implementation of the plan.

27 (d) The Board shall adopt rules covering:

- 28 (1) The qualifications of and standards for certification of teachers, teacher  
29 assistants, speech clinicians, school psychologists, and others involved  
30 in the education and training of children with special needs;
- 31 (2) Minimum standards for the individualized educational program for all  
32 children with special needs other than for the pregnant children, and for  
33 the educational program for the pregnant children, who receive special  
34 education and related services; and
- 35 (3) Any other rules as may be necessary or appropriate for carrying out the  
36 purposes of this Article. Representatives from the Departments of  
37 Health and Human Services and ~~Correction and the Office of Juvenile~~  
38 ~~Justice Services, Correction, and Juvenile Justice and Delinquency~~  
39 Prevention shall be involved in the development of the standards  
40 outlined under this subsection.

41 (e) On or before October 15, each local educational agency shall report annually to  
42 the Board the extent to which it is then providing special education for children with  
43 special needs. The annual report also shall detail the means by which the local

1 educational agency proposes to secure full compliance with the policy of this Article,  
2 including the following:

- 3 (1) A statement of the extent to which the required education and services  
4 will be provided directly by the agency;
- 5 (2) A statement of the extent to which standards in force under G.S. 115C-  
6 110(b)(5) and (d)(2) are being met by the agency; and
- 7 (3) The means by which the agency will contract to provide, at levels  
8 meeting standards in force under G.S. 115C-110(b)(5) and (d)(2), all  
9 special education and related services not provided directly by it or by  
10 the State.

11 (f) After submitting the report required by subsection (e), the local educational  
12 agency also shall submit such supplemental and additional reports as the Board may  
13 require to keep the local educational agency's plan current.

14 (g) By rule, the Board shall prescribe due dates not later than October 15 of each  
15 year, and all other necessary or appropriate matters relating to these annual and  
16 supplemental and additional reports.

17 (h) The annual report shall be a two-year plan for providing appropriate special  
18 education and related services to children with special needs. The agency shall submit the  
19 plan to the Board for its review, approval, modification, or disapproval. Unless thereafter  
20 modified with approval of the Board, the plan shall be adhered to by the local educational  
21 agency. The procedure for approving, disapproving, establishing, and enforcing the plan  
22 shall be the same as that set forth for the annual plan. The long-range plan shall include  
23 such provisions as may be appropriate for the following, without limitation:

- 24 (1) Establishment of classes, other programs of instruction, curricula,  
25 facilities, equipment, and special services for children with special  
26 needs; and
- 27 (2) Utilization and professional development of teachers and other  
28 personnel working with children with special needs.

29 (i) Each local educational agency shall provide free appropriate special education  
30 and related services in accordance with the provisions of this Article for all children with  
31 special needs who are residents of, or whose parents or guardians are residents of, the  
32 agency's district, beginning with children aged five. No matriculation or tuition fees or  
33 other fees or charges shall be required or asked of children with special needs or their  
34 parents or guardians except those fees or charges as are required uniformly of all public  
35 school pupils. The provision of free appropriate special education within the facilities of  
36 the Department of Health and Human Services and the ~~Office of Juvenile Justice~~  
37 Department of Juvenile Justice and Delinquency Prevention shall not prevent that  
38 ~~Department and Office~~ from charging for other services or treatment.

39 (j) The Board shall require an annual census of children with special needs,  
40 subdivided for "identified" and "suspected" children with special needs, to be taken in  
41 each school year. Suspected children are those in the formal process of being identified,  
42 evaluated or diagnosed as children with special needs. The census shall be conducted  
43 annually and shall be completed not later than October 15, and shall be submitted to the

1 Governor and General Assembly and be made available to the public no later than  
2 January 15 annually.

3 In taking the census, the Board shall require the cooperation, participation, and  
4 assistance of all local educational agencies and all other State and local governmental  
5 departments and agencies providing or required to provide special education services to  
6 children with special needs, and those departments and agencies shall cooperate and  
7 participate with and assist the Board in conducting the census.

8 The census shall include the number of children identified and suspected with special  
9 needs, their age, the nature of their disability, their county or city of residence, their local  
10 school administrative unit residence, whether they are being provided special educational  
11 or related services and if so by what department or agency, whether they are not being  
12 provided special education or related services, the identity of each department or agency  
13 having children with special needs in its care, custody, management, jurisdiction, control,  
14 or programs, the number of children with special needs being served by each department  
15 or agency, and such other information or data as the Board shall require. The census shall  
16 be of children with special needs between the ages of three and 21, inclusive.

17 (k) The Department shall monitor the effectiveness of individualized education  
18 programs in meeting the educational needs of all children with special needs other than  
19 pregnant children, and of educational programs in meeting the educational needs of the  
20 pregnant children.

21 (l) The Board shall provide for procedures assuring that in carrying out the  
22 requirements of this Article procedures are established for consultation with individuals  
23 involved in or concerned with the education of children with special needs, including  
24 parents or guardians of such children, and there are public hearings, adequate notice of  
25 such hearings, and an opportunity for comment available to the general public prior to the  
26 adoption of the policies, procedures, and rules or regulations required by this Article.

27 (m) Children with special needs shall be educated in the least restrictive  
28 appropriate setting, as defined by the State Board of Education."

29 Section 4.(k) G.S. 115C-111 reads as rewritten:

30 **"§ 115C-111. Free appropriate education for all children with special needs.**

31 No child with special needs between the ages specified by G.S. 115C-109 shall be  
32 denied a free appropriate public education or be prevented from attending the public  
33 schools of the local educational agency in which he or his parents or legal guardian  
34 resides or from which he receives services or from attending any other public program of  
35 free appropriate public education because he is a child with special needs. If it appears  
36 that a child should receive a program of free appropriate public education in a program  
37 operated by or under the supervision of the Department of Health and Human Services or  
38 ~~the Office of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention,~~  
39 the local educational agency shall confer with the appropriate Department of Health and  
40 Human Services or ~~Office of Juvenile Justice Department of Juvenile Justice and~~  
41 Delinquency Prevention staff for their participation and determination of the  
42 appropriateness of placement in said program and development of the child's  
43 individualized education program. The individualized education program may then be

1 challenged under the due process provisions of G.S. 115C-116. Every child with special  
2 needs shall be entitled to attend these nonresidential schools or programs and receive  
3 from them free appropriate public education."

4 Section 4.(l) G.S. 115C-113(f) reads as rewritten:

5 "(f) Each local educational agency shall prepare individualized educational  
6 programs for all children found to be children with special needs other than the pregnant  
7 children, and educational programs prescribed in subsection (h) of this section for the  
8 pregnant children. The individualized educational program shall be developed in  
9 conformity with Public Law 94-142 and the implementing regulations issued by the  
10 United States Department of Education and shall be implemented in conformity with  
11 timeliness set by that Department. The term 'individualized educational program' means  
12 a written statement for each such child developed in any meeting by a representative of  
13 the local educational agency who shall be qualified to provide, or supervise the provision  
14 of, specially designed instruction to meet the unique needs of such children, the teacher,  
15 the parents or guardian of such child, and, whenever appropriate, such child, which  
16 statement shall be based on rules developed by the Board. Each local educational agency  
17 shall establish, or revise, whichever is appropriate, the individualized educational  
18 program of each child with special needs each school year and will then review and, if  
19 appropriate revise, its provisions periodically, but not less than annually. In the facilities  
20 and programs of the Department of Health and Human Services and the ~~Office of Juvenile~~  
21 ~~Justice,~~ Department of Juvenile Justice and Delinquency Prevention, the individualized  
22 educational program shall be planned in collaboration with those other individuals  
23 responsible for the design of the total treatment or habilitation plan or both; the resulting  
24 educational, treatment, and habilitation plans shall be coordinated, integrated, and  
25 internally consistent."

26 Section 4.(m) G.S. 115C-113.1 reads as rewritten:

27 **"§ 115C-113.1. Surrogate parents.**

28 In the case of a child whose parent or guardian is unknown, whose whereabouts  
29 cannot be determined after reasonable investigation, or who is a ward of the State, the  
30 local educational agency shall appoint a surrogate parent for the child. The surrogate  
31 parent shall be appointed from a group of persons approved by the Superintendent of  
32 Public Instruction, the Secretary of Health and Human Services, and the ~~Office of Juvenile~~  
33 ~~Justice,~~ Secretary of Juvenile Justice and Delinquency Prevention, but in no case shall the  
34 person appointed be an employee of the local educational agency or directly involved in  
35 the education or care of the child. The Superintendent shall ensure that local educational  
36 agencies appoint a surrogate parent for every child in need of a surrogate parent."

37 Section 4.(n) G.S. 115C-115 reads as rewritten:

38 **"§ 115C-115. Placements in private schools, out-of-state schools and schools in other**  
39 **local educational agencies.**

40 The board shall adopt rules and regulations to assure that:

- 41 (1) There be no cost to the parents or guardian for the placement of a child  
42 in a private school, out-of-state school or a school in another local  
43 education agency if the child was so placed by the Board or by the

1 appropriate local educational agency as the means of carrying out the  
2 requirement of this Article or any other applicable law requiring the  
3 provision of special education and related services to children within the  
4 State.

5 (2) No child shall be placed by the Board or by the local educational agency  
6 in a private or out-of-state school unless the Board has determined that  
7 the school meets standards that apply to State and local educational  
8 agencies and that the child so placed will have all the rights he would  
9 have if served by a State or local educational agency.

10 (3) If the placement of the child in a private school, out-of-state school or a  
11 school in another local educational agency determined by the  
12 Superintendent of Public Instruction to be the most cost-effective way to  
13 provide an appropriate education to that child and the child is not  
14 currently being educated by the Department of Health and Human  
15 Services, the ~~Office of Juvenile Justice~~, Department of Juvenile Justice  
16 and Delinquency Prevention, or the Department of Correction, the State  
17 will bear a portion of the cost of the placement of the child. The local  
18 school administrative unit shall pay an amount equal to what it receives  
19 per pupil from the State Public School Fund and from other State and  
20 federal funds for children with special needs for that child. The State  
21 shall pay the full cost of any remainder up to a maximum of fifty  
22 percent (50%) of the total cost."

23 Section 4.(o) G.S. 115C-121(b) reads as rewritten:

24 "(b) The Council shall consist of 23 members to be appointed as follows: five ex  
25 officio members; two members appointed by the Governor; two members of the Senate  
26 appointed by the President Pro Tempore; two members of the House of Representatives  
27 appointed by the Speaker of the House; and 12 members appointed by the State Board of  
28 Education. Of those members of the Council appointed by the State Board one member  
29 shall be selected from each congressional district within the State, and the members so  
30 selected shall be composed of at least one person representing each of the following:  
31 handicapped individuals, parents or guardians of children with special needs, teachers of  
32 children with special needs, and State and local education officials and administrators of  
33 programs for children with special needs. The Council shall designate a chairperson from  
34 among its members. The designation of the chairperson is subject to the approval of the  
35 State Board of Education. The board shall promulgate rules or regulations to carry out  
36 this subsection.

37 Ex officio members of the Council shall be the following:

38 (1) The Secretary of the Department of Health and Human Services or the  
39 Secretary's designee;

40 (1a) A representative of the ~~Office of Juvenile Justice~~, Department of Juvenile  
41 Justice and Delinquency Prevention, appointed by the Governor;

42 (2) The Secretary of the Department of Correction or the Secretary's  
43 designee;

- 1 (3) A representative from The University of North Carolina Planning  
2 Consortium for Children with Special Needs; and  
3 (4) The Superintendent of Public Instruction or the Superintendent's  
4 designee.

5 The term of appointment for all members except those appointed by the State Board  
6 of Education shall be for two years. The term for members appointed by the State Board  
7 of Education shall be for four years. No person shall serve more than two consecutive  
8 four-year terms. The initial term of office of the person appointed from the 12th  
9 Congressional District shall commence on January 3, 1993, and expire on June 30, 1996.

10 Each Council member shall serve without pay, but shall receive travel allowances and  
11 per diem in the same amount provided for members of the North Carolina General  
12 Assembly."

13 Section 4.(p) G.S. 115C-139(a) reads as rewritten:

14 "(a) The Board, any two or more local educational agencies and any such agency  
15 and any State department, agency, or division having responsibility for the education,  
16 treatment or habilitation of children with special needs are authorized to enter into  
17 interlocal cooperation undertakings under the provisions of Chapter 160A, Article 20,  
18 Part 1 of the General Statutes or into undertakings with a State agency such as the ~~Office~~  
19 ~~of Juvenile Justice or the Departments of Public Instruction, Health and Human Services,~~  
20 Juvenile Justice and Delinquency Prevention, or Correction, or their divisions, agencies,  
21 or units, for the purpose of providing for the special education and related services,  
22 treatment or habilitation of such children within the jurisdiction of the agency or unit, and  
23 shall do so when it itself is unable to provide the appropriate public special education or  
24 related services for these children. In entering into such undertakings, the local agency  
25 and State department, agency, or division shall also contract to provide the special  
26 education or related services that are most educationally appropriate to the children with  
27 special needs for whose benefit the undertaking is made, and provide these services by or  
28 in the local agency unit or State department, agency, or division located in the place most  
29 convenient to these children."

30 Section 4.(q) G.S. 115C-250(a) reads as rewritten:

31 "(a) The State Board of Education and local boards of education may expend public  
32 funds for transportation of handicapped children with special needs who are unable  
33 because of their handicap to ride the regular school buses and who have been placed in  
34 programs by a local school board as a part of its duty to provide such children with a free  
35 appropriate education, including its duty under G.S. 115C-115. At the option of the local  
36 board of education with the concurrence of the State Board of Education, funds  
37 appropriated to the State Board of Education for contract transportation of exceptional  
38 children may be used to purchase buses and minibuses as well as for the purposes  
39 authorized in the budget. The State Board of Education shall adopt rules and regulations  
40 concerning the construction and equipment of these buses and minibuses.

41 The ~~Department~~ Departments of Health and Human Services, ~~the Office of Juvenile~~  
42 ~~Justice, and the Department of Juvenile Justice and Delinquency Prevention, and~~ Correction  
43 may also expend public funds for transportation of handicapped children with special

1 needs who are unable because of their handicap to ride the regular school buses and who  
2 have been placed in programs by one of these agencies as a part of that agency's duty to  
3 provide such children with a free appropriate public education.

4 If a local area mental health center places a child with special needs in an educational  
5 program, the local area mental health center shall pay for the transportation of the child,  
6 if handicapped and unable because of the handicap to ride the regular school buses, to the  
7 program."

8 Section 4.(r) G.S. 115C-325(p) reads as rewritten:

9 "(p) Section Applicable to Certain Institutions. – Notwithstanding any law or  
10 regulation to the contrary, this section shall apply to all persons employed in teaching and  
11 related educational classes in the schools and institutions of the Departments of Health  
12 and Human ~~Services and Correction or the Office of Juvenile Justice Services, Correction, or~~  
13 Juvenile Justice and Delinquency Prevention regardless of the age of the students."

14 Section 4.(s) G.S. 115D-1 reads as rewritten:

15 "**§ 115D-1. Statement of purpose.**

16 The purposes of this Chapter are to provide for the establishment, organization, and  
17 administration of a system of educational institutions throughout the State offering  
18 courses of instruction in one or more of the general areas of two-year college parallel,  
19 technical, vocational, and adult education programs, to serve as a legislative charter for  
20 such institutions, and to authorize the levying of local taxes and the issuing of local bonds  
21 for the support thereof. The major purpose of each and every institution operating under  
22 the provisions of this Chapter shall be and shall continue to be the offering of vocational  
23 and technical education and training, and of basic, high school level, academic education  
24 needed in order to profit from vocational and technical education, for students who are  
25 high school graduates or who are beyond the compulsory age limit of the public school  
26 system and who have left the public schools, provided, juveniles of any age committed to  
27 the ~~Office of Juvenile Justice Department of Juvenile Justice and Delinquency Prevention~~  
28 by a court of competent jurisdiction may, if approved by the director of the training  
29 school to which they are assigned, take courses offered by institutions of the system if  
30 they are otherwise qualified for admission."

31 Section 4.(t) G.S. 115D-5(b) reads as rewritten:

32 "(b) In order to make instruction as accessible as possible to all citizens, the  
33 teaching of curricular courses and of noncurricular extension courses at convenient  
34 locations away from institution campuses as well as on campuses is authorized and shall  
35 be encouraged. A pro rata portion of the established regular tuition rate charged a full-  
36 time student shall be charged a part-time student taking any curriculum course. In lieu of  
37 any tuition charge, the State Board of Community Colleges shall establish a uniform  
38 registration fee, or a schedule of uniform registration fees, to be charged students  
39 enrolling in extension courses for which instruction is financed primarily from State  
40 funds; provided, however, that the State Board of Community Colleges may provide by  
41 general and uniform regulations for waiver of tuition and registration fees for persons not  
42 enrolled in elementary or secondary schools taking courses leading to a high school  
43 diploma or equivalent certificate, for training courses for volunteer firemen, local fire

1 department personnel, volunteer rescue and lifesaving department personnel, local rescue  
2 and lifesaving department personnel, Radio Emergency Associated Citizens Team  
3 (REACT) members when the REACT team is under contract to a county as an emergency  
4 response agency, local law-enforcement officers, patients in State alcoholic rehabilitation  
5 centers, all full-time custodial employees of the Department of Correction, employees of  
6 the Department's Division of Adult Probation and Parole and employees of the ~~Office of~~  
7 ~~Juvenile Justice~~ Department of Juvenile Justice and Delinquency Prevention required to be  
8 certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice  
9 and Training Standards Commission, trainees enrolled in courses conducted under the  
10 New and Expanding Industry Program, clients of sheltered workshops, clients of adult  
11 developmental activity programs, students in Health and Human Services Development  
12 Programs, juveniles of any age committed to the ~~Office of Juvenile Justice~~ Department of  
13 Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction, prison  
14 inmates, and members of the North Carolina State Defense Militia as defined in G.S.  
15 127A-5 and as administered under Article 5 of Chapter 127A of the General Statutes.  
16 Provided further, tuition shall be waived for senior citizens attending institutions  
17 operating under this Chapter as set forth in Chapter 115B of the General Statutes, Tuition  
18 Waiver for Senior Citizens. Provided further, tuition shall also be waived for all courses  
19 taken by high school students at community colleges in accordance with G.S. 115D-20(4)  
20 and this section."

21 Section 4.(u) G.S. 120-216 reads as rewritten:

22 "**§ 120-216. Commission duties.**

23 The Commission shall have the following duties:

- 24 (1) Study the needs of children and youth. This study shall include, but is  
25 not limited to:
- 26 a. Determining the adequacy and appropriateness of services:
    - 27 1. To children and youth receiving child welfare services;
    - 28 2. To children and youth in the juvenile court system; and
    - 29 3. Provided by the Division of Social Services and the ~~Office~~  
30 ~~of Juvenile Justice~~ Department of Juvenile Justice and  
31 Delinquency Prevention.
  - 32 b. Developing methods for identifying and providing services to  
33 children and youth not receiving but in need of child welfare  
34 services, children and youth at risk of entering the juvenile court  
35 system, and children and youth exposed to domestic violence  
36 situations.
  - 37 c. Developing strategies for addressing the issues of school dropout,  
38 teen suicide, and adolescent pregnancy.
  - 39 d. Identifying and evaluating the impact on children and youth of  
40 other economic and environmental issues.
  - 41 e. Identifying obstacles to ensuring that children who are in secure  
42 or nonsecure custody are placed in safe and permanent homes  
43 within a reasonable period of time and recommending strategies

1 for overcoming those obstacles. The Commission shall consider  
2 what, if anything, can be done to expedite the adjudication and  
3 appeal of abuse and neglect charges against parents so that  
4 decisions may be made about the safe and permanent placement  
5 of their children as quickly as possible.

6 (2) Evaluate problems associated with juveniles who are beyond the  
7 disciplinary control of their parents, including juveniles who are  
8 runaways, and develop solutions for addressing the problems of those  
9 juveniles.

10 (3) Identify strategies for the development and funding of a comprehensive  
11 statewide database relating to children and youth to facilitate State  
12 agency planning for delivery of services to children and youth.

13 (4) Conduct any other studies, evaluations, or assessments necessary for the  
14 Commission to carry out its purpose."

15 Section 4.(v) G.S. 122C-3(13a) reads as rewritten:

16 "(13a) 'Eligible assaultive and violent children' means children who are  
17 citizens of North Carolina and:

18 a. Who suffer from emotional, mental, or neurological handicaps  
19 that have been accompanied by behavior that is characterized as  
20 violent or assaultive; and

21 b. Who are involuntarily institutionalized or otherwise placed in  
22 residential programs, including:

23 1. Minors who are mentally ill as defined by G.S. 122C-  
24 3(21) and who are admitted for evaluation or treatment to  
25 a treatment facility under Article 5 of Chapter 122C of the  
26 General Statutes or are presented for admission and  
27 denied due to their behaviors or handicapping conditions;

28 2. Minors who are referred to an area mental health,  
29 developmental disabilities, and substance abuse authority  
30 under G.S. 7B-903 for whom residential treatment or  
31 placement is recommended;

32 3. Minors who are placed in residential programs as a  
33 condition of probation under G.S. 7B-2506;

34 4. Minors who are ordered to a professional residential  
35 treatment program under G.S. 7B-2506; and

36 5. Minors committed to the custody of the ~~Office of Juvenile~~  
37 ~~Justice, Department of Juvenile Justice and Delinquency~~  
38 ~~Prevention~~, under G.S. 7B-2506; and

39 c. For whom the State has not provided appropriate treatment and  
40 educational programs."

41 Section 4.(w) G.S. 122C-113(b1) reads as rewritten:

42 "(b1) The Secretary shall cooperate with the State Board of Education and the ~~Office~~  
43 ~~of Juvenile Justice, Department of Juvenile Justice and Delinquency Prevention~~ in

1 coordinating the responsibilities of the Department of Health and Human Services, the  
 2 State Board of Education, the ~~Office of Juvenile Justice~~, Department of Juvenile Justice  
 3 and Delinquency Prevention, and the Department of Public Instruction for adolescent  
 4 substance abuse programs. The Department of Health and Human Services, through its  
 5 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in  
 6 cooperation with the ~~Office of Juvenile Justice~~, Department of Juvenile Justice and  
 7 Delinquency Prevention, shall be responsible for intervention and treatment in non-  
 8 school based programs. The State Board of Education and the Department of Public  
 9 Instruction, in consultation with the ~~Office of Juvenile Justice~~, Department of Juvenile  
 10 Justice and Delinquency Prevention, shall have primary responsibility for in-school  
 11 education, identification, and intervention services, including student assistance  
 12 programs."

13 Section 4.(x) G.S. 122C-117(a) reads as rewritten:

14 "(a) The area authority shall:

- 15 (1) Engage in comprehensive planning, budgeting, implementing, and  
 16 monitoring of community-based mental health, developmental  
 17 disabilities, and substance abuse services;
- 18 (2) Provide services to clients in the catchment area, including clients  
 19 committed to the custody of the ~~Office of Juvenile Justice~~; Department of  
 20 Juvenile Justice and Delinquency Prevention;
- 21 (3) Determine the needs of the area authority's clients and coordinate with  
 22 the Secretary and with the ~~Office of Juvenile Justice~~; Department of  
 23 Juvenile Justice and Delinquency Prevention the provision of services to  
 24 clients through area and State facilities;
- 25 (4) Develop plans and budgets for the area authority subject to the approval  
 26 of the Secretary;
- 27 (5) Assure that the services provided by the area authority meet the rules of  
 28 the Commission and Secretary;
- 29 (6) Comply with federal requirements as a condition of receipt of federal  
 30 grants; and
- 31 (7) Appoint an area director, chosen through a search committee on which  
 32 the Secretary of the Department of Health and Human Services or the  
 33 Secretary's designee serves as a nonvoting member."

34 Section 4.(y) G.S. 143-138(g) reads as rewritten:

35 "(g) Publication and Distribution of Code. – The Building Code Council shall cause  
 36 to be printed, after adoption by the Council, the North Carolina State Building Code and  
 37 each amendment thereto. It shall, at the State's expense, distribute copies of the Code and  
 38 each amendment to State and local governmental officials, departments, agencies, and  
 39 educational institutions, as is set out in the table below. (Those marked by an asterisk will  
 40 receive copies only on written request to the Council.)

41  
 42 OFFICIAL OR AGENCY  
 43 State Departments and Officials

NUMBER OF COPIES

1 Governor 1  
 2 Lieutenant Governor ..... 1  
 3 Auditor 1  
 4 Treasurer 1  
 5 Secretary of State ..... 1  
 6 Superintendent of Public Instruction..... 1  
 7 Attorney General (Library) ..... 1  
 8 Commissioner of Agriculture..... 1  
 9 Commissioner of Labor..... 1  
 10 Commissioner of Insurance ..... 1  
 11 Department of Environment and  
 12 Natural Resources 1  
 13 Department of Health and Human Services..... 1  
 14 Office of Juvenile Justice  
 15 Department of Juvenile Justice and  
 16 Delinquency Prevention 1  
 17 Board of Transportation ..... 1  
 18 Utilities Commission..... 1  
 19 Department of Administration ..... 1  
 20 Clerk of the Supreme Court ..... 1  
 21 Clerk of the Court of Appeals ..... 1  
 22 Clerk of the Superior Court..... 1 each  
 23 Department of Cultural Resources [State  
 24 Library] 5  
 25 Supreme Court Library ..... 2  
 26 Legislative Library ..... 1  
 27 Schools  
 28 All state-supported colleges and universities  
 29 in the State of North Carolina \*1 each  
 30 Local Officials  
 31 Clerks of the Superior Courts..... 1 each  
 32 Chief Building Inspector of each incorporated  
 33 municipality or county 1  
 34

35 In addition, the Building Code Council shall make additional copies available at such  
 36 price as it shall deem reasonable to members of the general public."

37 Section 4.(z) G.S. 143-166.2(d) reads as rewritten:

38 "(d) The term 'law-enforcement officer,' 'officer,' or 'fireman' shall mean all law-  
 39 enforcement officers employed full time by the State of North Carolina or any county or  
 40 municipality thereof and all full-time custodial employees of the North Carolina  
 41 Department of Correction and all full-time institutional and detention employees of the  
 42 ~~Division of Youth Services of the Department of Health and Human Services.~~ Department of  
 43 Juvenile Justice and Delinquency Prevention. The term 'firemen' shall mean both

1 'eligible fireman'; or 'fireman' as defined in G.S. 58-86-25 and all full-time, permanent  
2 part-time and temporary employees of the North Carolina Division of Forest Resources,  
3 Department of Environment and Natural Resources, during the time they are actively  
4 engaged in fire-fighting activities; and shall mean all full-time employees of the North  
5 Carolina Department of Insurance during the time they are actively engaged in fire-  
6 fighting activities, during the time they are training fire fighters or rescue squad workers,  
7 and during the time they are engaged in activities as members of the State Emergency  
8 Response Team, when the Team has been activated. The term 'rescue squad worker' shall  
9 mean a person who is dedicated to the purpose of alleviating human suffering and  
10 assisting anyone who is in difficulty or who is injured or becomes suddenly ill by  
11 providing the proper and efficient care or emergency medical services. In addition, this  
12 person must belong to an organized rescue squad which is eligible for membership in the  
13 North Carolina Association of Rescue Squads, Inc., and the person must have attended a  
14 minimum of 36 hours of training and meetings in the last calendar year. Each rescue  
15 squad belonging to the North Carolina Association of Rescue Squads, Inc., must file a  
16 roster of those members meeting the above requirements with the State Treasurer on or  
17 about January 1 of each year, and this roster must be certified to by the secretary of said  
18 association. In addition, the term 'rescue squad worker' shall mean a member of an  
19 ambulance service certified by the Department of Health and Human Services under  
20 Article 7 of Chapter 131E of the General Statutes. The Department of Health and Human  
21 Services shall furnish a list of ambulance service members to the State Treasurer on or  
22 about January 1 of each year. The term 'Civil Air Patrol members' shall mean those  
23 senior members of the North Carolina Wing-Civil Air Patrol 18 years of age or older and  
24 currently certified under G.S. 143B-491(a). The term 'fireman' shall also mean county  
25 fire marshals when engaged in the performance of their county duties. The term 'rescue  
26 squad worker' shall also mean county emergency services coordinators when engaged in  
27 the performance of their county duties."

28 Section 4.(aa) G.S. 143B-150.5(d) reads as rewritten:

29 "(d) The Secretary of the Department of Health and Human Services shall ensure  
30 the cooperation of the Division of Social Services, ~~the Division of Youth Services,~~ the  
31 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services,  
32 and the Division of Medical Assistance, in carrying out the provisions of this Part."

33 Section 4.(bb) G.S. 143B-150.7(b) reads as rewritten:

34 "(b) The Committee shall have 24 members appointed for staggered four-year terms  
35 and until their successors are appointed and qualify. The Governor shall have the power  
36 to remove any member of the Committee from office in accordance with the provisions  
37 of G.S. 143B-13. Members may succeed themselves for one term and may be appointed  
38 again after being off the Committee for one term. Six of the members shall be legislators  
39 appointed by the General Assembly, three of whom shall be recommended by the  
40 Speaker of the House of Representatives, and three of whom shall be recommended by  
41 the President Pro Tempore of the Senate. Two of the members shall be appointed by the  
42 General Assembly from the public at large, one of whom shall be recommended by the  
43 Speaker of the House of Representatives, and one of whom shall be recommended by the

1 President Pro Tempore of the Senate. The remainder of the members shall be appointed  
2 by the Governor as follows:

- 3 (1) Four members representing the Department of Health and Human  
4 Services, one of whom shall be the Assistant Secretary for Children and  
5 Family, one of whom shall represent the Division of Social Services,  
6 one of whom shall represent the Division of Mental Health,  
7 Developmental Disabilities, and Substance Abuse Services, and one of  
8 whom shall represent the Division of Maternal and Child Health;
- 9 (1a) One member representing the ~~Office of Juvenile Justice~~; Department of  
10 Juvenile Justice and Delinquency Prevention;
- 11 (2) Two members, one from each of the following: the Administrative  
12 Office of the Courts and the Department of Public Instruction;
- 13 (3) One member who represents the Juvenile Justice Planning Committee of  
14 the Governor's Crime Commission, and one member appointed at large;
- 15 (4) One member who is a district court judge certified by the  
16 Administrative Office of the Courts to hear juvenile cases;
- 17 (5) One member representing the schools of social work of The University  
18 of North Carolina;
- 19 (6) Two members, one of whom is a provider of family preservation  
20 services, and one of whom is a consumer of family preservation  
21 services; and
- 22 (7) Three members who represent county-level associations; one of whom  
23 represents the Association of County Commissioners, one of whom  
24 represents the Association of Directors of Social Services, and one of  
25 whom represents the North Carolina Council of Mental Health,  
26 Developmental Disabilities, and Substance Abuse Services.

27 The Secretary of the Department of Health and Human Services shall serve as the  
28 Chair of the Committee. The Secretary shall appoint the cochair of the Committee for a  
29 two-year term on a rotating basis from among the Committee members who represent the  
30 ~~Office of Juvenile Justice~~; Department of Juvenile Justice and Delinquency Prevention, the  
31 Division of Social Services, and the Division of Mental Health, Developmental  
32 Disabilities, and Substance Abuse Services."

33 Section 4.(cc) G.S. 143B-152.6 reads as rewritten:

34 **"§ 143B-152.6. Cooperation of State and local agencies.**

35 All agencies of the State and local government, including the ~~Office of Juvenile Justice~~,  
36 Department of Juvenile Justice and Delinquency Prevention, departments of social  
37 services, health departments, local mental health, mental retardation, and substance abuse  
38 authorities, court personnel, law enforcement agencies, The University of North Carolina,  
39 the community college system, and cities and counties, shall cooperate with the  
40 Department of Health and Human Services, and local nonprofit corporations that receive  
41 grants in coordinating the program at the State level and in implementing the program at  
42 the local level. The Secretary of Health and Human Services, after consultation with the  
43 Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of

1 State agencies and local agencies, and encouraging the cooperation of private entities,  
2 especially those receiving State funds, in the coordination and implementation of the  
3 program."

4 Section 4.(dd) G.S. 143B-152.14 reads as rewritten:

5 **"§ 143B-152.14. Cooperation of State and local agencies.**

6 All agencies of the State and local government, including the ~~Office of Juvenile Justice,~~  
7 Department of Juvenile Justice and Delinquency Prevention, departments of social  
8 services, health departments, local mental health, mental retardation, and substance abuse  
9 authorities, court personnel, law enforcement agencies, The University of North Carolina,  
10 the community college system, and cities and counties, shall cooperate with the  
11 Department of Health and Human Services, and local nonprofit corporations that receive  
12 grants in coordinating the program at the State level and in implementing the program at  
13 the local level. The Secretary of Health and Human Services, after consultation with the  
14 Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of  
15 State agencies and local agencies and encouraging the cooperation of private entities,  
16 especially those receiving State funds, in the coordination and implementation of the  
17 program."

18 Section 4.(ee) G.S. 143B-153(2) reads as rewritten:

19 "(2) The Social Services Commission shall have the power and duty to  
20 establish standards and adopt rules and regulations:

- 21 a. For the programs of public assistance established by federal  
22 legislation and by Article 2 of Chapter 108A of the General  
23 Statutes of the State of North Carolina with the exception of the  
24 program of medical assistance established by G.S. 108A-25(b);
- 25 b. To achieve maximum cooperation with other agencies of the  
26 State and with agencies of other states and of the federal  
27 government in rendering services to strengthen and maintain  
28 family life and to help recipients of public assistance obtain self-  
29 support and self-care;
- 30 c. For the placement and supervision of dependent juveniles and of  
31 delinquent juveniles who are placed in the custody of the ~~Office~~  
32 ~~of Juvenile Justice,~~ Department of Juvenile Justice and  
33 Delinquency Prevention, and payment of necessary costs of  
34 foster home care for needy and homeless children as provided by  
35 G.S. 108A-48; and
- 36 d. For the payment of State funds to private child-placing agencies  
37 as defined in G.S. 131D-10.2(4) and residential child care  
38 facilities as defined in G.S. 131D-10.2(13) for care and services  
39 provided to children who are in the custody or placement  
40 responsibility of a county department of social services."

41 Section 4.(ff) G.S. 143B-478 reads as rewritten:

42 **"§ 143B-478. Governor's Crime Commission – creation; composition; terms;  
43 meetings, etc.**

1 (a) There is hereby created the Governor's Crime Commission of the Department  
2 of Crime Control and Public Safety. The Commission shall consist of 36 voting members  
3 and six nonvoting members. The composition of the Commission shall be as follows:

4 (1) The voting members shall be:

- 5 a. The Governor, the Chief Justice of the Supreme Court of North  
6 Carolina (or his alternate), the Attorney General, the Director of  
7 the Administrative Office of the Courts, the Secretary of the  
8 Department of Health and Human Services, the Secretary of the  
9 Department of Correction, the ~~Director of the Office of Juvenile~~  
10 ~~Justice, Secretary of the Department of Juvenile Justice and~~  
11 ~~Delinquency Prevention,~~ and the Superintendent of Public  
12 Instruction;
- 13 b. A judge of superior court, a judge of district court specializing in  
14 juvenile matters, a chief district court judge, a clerk of superior  
15 court, and a district attorney;
- 16 c. A defense attorney, three sheriffs (one of whom shall be from a  
17 'high crime area'), three police executives (one of whom shall be  
18 from a 'high crime area'), six citizens (two with knowledge of  
19 juvenile delinquency and the public school system, two of whom  
20 shall be under the age of 21 at the time of their appointment, one  
21 representative of a 'private juvenile delinquency program,' and  
22 one in the discretion of the Governor), three county  
23 commissioners or county officials, and three mayors or municipal  
24 officials;
- 25 d. Two members of the North Carolina House of Representatives  
26 and two members of the North Carolina Senate.

27 (2) The nonvoting members shall be the Director of the State Bureau of  
28 Investigation, the Secretary of the Department of Crime Control and  
29 Public Safety, the Assistant Director of the Intervention/Prevention  
30 ~~Bureau of the Office of Juvenile Justice, Division of the Department of~~  
31 ~~Juvenile Justice and Delinquency Prevention,~~ the Assistant Director of  
32 the ~~Detention Bureau of the Office of Juvenile Justice, Division of the~~  
33 ~~Department of Juvenile Justice and Delinquency Prevention,~~ the  
34 Director of the Division of Prisons and the Director of the Division of  
35 Adult Probation and Paroles.

36 (b) The membership of the Commission shall be selected as follows:

37 (1) The following members shall serve by virtue of their office: the  
38 Governor, the Chief Justice of the Supreme Court, the Attorney General,  
39 the Director of the Administrative Office of the Courts, the Secretary of  
40 the Department of Health and Human Services, the Secretary of the  
41 Department of Correction, the Director of the State Bureau of  
42 Investigation, the Secretary of the Department of Crime Control and  
43 Public Safety, the Director of the Division of Prisons, the Director of the

1 Division of Adult Probation and Parole, the ~~Director of the Office of~~  
2 ~~Juvenile Justice, Secretary of the Department of Juvenile Justice and~~  
3 ~~Delinquency Prevention, the Assistant Director of the~~  
4 ~~Intervention/Prevention Bureau of the Office of Juvenile Justice, Division~~  
5 ~~of the Department of Juvenile Justice and Delinquency Prevention, the~~  
6 ~~Assistant Director of the Detention Bureau of the Office of Juvenile~~  
7 ~~Justice, Division of the Department of Juvenile Justice and Delinquency~~  
8 ~~Prevention, and the Superintendent of Public Instruction. Should the~~  
9 Chief Justice of the Supreme Court choose not to serve, his alternate  
10 shall be selected by the Governor from a list submitted by the Chief  
11 Justice which list must contain no less than three nominees from the  
12 membership of the Supreme Court.

13 (2) The following members shall be appointed by the Governor: ~~the~~  
14 ~~representative of the Office of Juvenile Justice, the district attorney, the~~  
15 ~~defense attorney, the three sheriffs, the three police executives, the six~~  
16 ~~citizens, the three county commissioners or county officials, the three~~  
17 ~~mayors or municipal officials.~~

18 (3) The following members shall be appointed by the Governor from a list  
19 submitted by the Chief Justice of the Supreme Court, which list shall  
20 contain no less than three nominees for each position and which list  
21 must be submitted within 30 days after the occurrence of any vacancy in  
22 the judicial membership: the judge of superior court, the clerk of  
23 superior court, the judge of district court specializing in juvenile  
24 matters, and the chief district court judge.

25 (4) The two members of the House of Representatives provided by  
26 subdivision (a)(1)d. of this section shall be appointed by the Speaker of  
27 the House of Representatives and the two members of the Senate  
28 provided by subdivision (a)(1)d. of this section shall be appointed by the  
29 President Pro Tempore of the Senate. These members shall perform the  
30 advisory review of the State plan for the General Assembly as permitted  
31 by section 206 of the Crime Control Act of 1976 (Public Law 94-503).

32 (5) The Governor may serve as chairman, designating a vice-chairman to  
33 serve at his pleasure, or he may designate a chairman and vice-chairman  
34 both of whom shall serve at his pleasure.

35 (c) The initial members of the Commission shall be those appointed under  
36 subsection (b) above, which appointments shall be made by March 1, 1977. The terms of  
37 the present members of the Governor's Commission on Law and Order shall expire on  
38 February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other  
39 than those serving by virtue of their office, to serve staggered terms; seven shall be  
40 appointed for one-year terms, seven for two-year terms, and seven for three-year terms.  
41 At the end of their respective terms of office their successors shall be appointed for terms  
42 of three years and until their successors are appointed and qualified. The Commission  
43 members from the House and Senate shall serve two-year terms effective March 1, of

1 each odd-numbered year; and they shall not be disqualified from Commission  
 2 membership because of failure to seek or attain reelection to the General Assembly, but  
 3 resignation or removal from office as a member of the General Assembly shall constitute  
 4 resignation or removal from the Commission. Any other Commission member no longer  
 5 serving in the office from which he qualified for appointment shall be disqualified from  
 6 membership on the Commission. Any appointment to fill a vacancy on the Commission  
 7 created by the resignation, dismissal, death, disability, or disqualification of a member  
 8 shall be for the balance of the unexpired term.

9 (d) The Governor shall have the power to remove any member from the  
 10 Commission for misfeasance, malfeasance or nonfeasance.

11 (e) The Commission shall meet quarterly and at other times at the call of the  
 12 chairman or upon written request of at least eight of the members. A majority of the  
 13 voting members shall constitute a quorum for the transaction of business."

14 Section 4.(gg) G.S. 147-45 reads as rewritten:

15 **"§ 147-45. Distribution of copies of State publications.**

16 The Secretary of State shall, at the State's expense, as soon as possible after  
 17 publication, provide such number of copies of the Session Laws and Senate and House  
 18 Journals to federal, State, and local governmental officials, departments and agencies,  
 19 and to educational institutions of instruction and exchange use, as is set out in the table  
 20 below:

Agency or Institution	Session Laws	Assembly Journals
Governor, Office of the	3	2
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3
Auditor, Department of the State	3	1
Treasurer, Department of the State	3	1
Local Government Commission	2	0
State Board of Education	1	0
Department of Public Instruction	3	1
Controller	1	0
Technical Assistance Centers	1 ea.	0
Department of Community Colleges	3	1
Justice, Department of		
Office of the Attorney General	25	3
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1
State Bureau of Investigation	1	0
Agriculture and Consumer Services,		
Department of	3	1
Labor, Department of	5	1

1	Insurance, Department of	5	1
2	Administration, Department of	1	1
3	Budget Bureau	2	1
4	Controller	1	0
5	Property Control	1	0
6	Purchase and Contract	2	0
7	Policy and Development	1	0
8	Veterans Affairs Commission	1	0
9	Environment and Natural Resources,		
10	Department of	6	0
11	Wildlife Resources Commission	2	0
12	Revenue, Department of	5	1
13	Health and Human Services, Department of	6	0
14	Mental Health, Developmental Disabilities,		
15	and Substance Abuse Services,		
16	Division of	1	0
17	Social Services, Division of	3	0
18	Facilities Services, Division of	1	0
19	Hospitals and Institutions	1 ea.	0
20	<del>Juvenile Justice, Office of</del>		
21	<u>Juvenile Justice and Delinquency</u>		
22	<u>Prevention, Department of</u>	3	0
23	Transportation, Department of	1	0
24	Board of Transportation	3	0
25	Motor Vehicles, Division of	1	0
26	Commerce, Department of	1	0
27	Economic Development, Division of	2	0
28	State Ports Authority	1	0
29	Alcoholic Beverage Control Commission,		
30	North Carolina	2	0
31	Banking Commission	2	0
32	Utilities Commission	8	1
33	Industrial Commission	7	0
34	Labor Force Development Council	1	0
35	Milk Commission	5	0
36	Employment Security Commission	1	1
37	Correction, Department of	1	0
38	Department of Correction	2	0
39	Parole Commission	2	0
40	State Prison	1	0
41	Correctional Institutions	1 ea.	0
42	Cultural Resources, Department of	1	0
43	Archives and History, Division of	5	1

1	State Library	5	5	
2	Publications Division	1	1	
3	Crime Control and Public Safety, Department of		2	1
4	North Carolina Crime Commission	1	0	
5	Adjutant General	2	0	
6	Elections, State Board of	2	0	
7	Office of Administrative Hearings	2	0	
8	State Personnel Commission	1	0	
9	Office of State Personnel	1	1	
10	Legislative Branch			
11	State Senators	1 ea.	1 ea.	
12	State Representatives	1 ea.	1 ea.	
13	Principal Clerk – Senate	1	1	
14	Principal Clerk – House	1	1	
15	Reading Clerk – Senate	1	1	
16	Reading Clerk – House	1	1	
17	Sergeant at Arms – House	1	1	
18	Sergeant at Arms – Senate	1	1	
19	Enrolling Clerk	1	0	
20	Engrossing Clerk	1	0	
21	Indexer of the Laws	1	0	
22	Legislative Building Library	35	15	
23	Judicial System			
24	Justices of the Supreme Court	1 ea.	1 ea.	
25	Judges of the Court of Appeals	1 ea.	1 ea.	
26	Judges of the Superior Court	1 ea.	0	
27	Emergency and Special Judges of the			
28	Superior Court	1 ea.	0	
29	District Court Judges	1 ea.	0	
30	District Attorneys	1 ea.	0	
31	Clerk of the Supreme Court	1	1	
32	Clerk of the Court of Appeals	1	1	
33	Administrative Office of the Courts	4	1	
34	Supreme Court Library	AS MANY AS REQUESTED		
35	Colleges and Universities			
36	The University of North Carolina System			
37	Administrative Offices	3	0	
38	University of North Carolina,			
39	Chapel Hill	65	25	
40	University of North Carolina,			
41	Charlotte	3	1	
42	University of North Carolina,			
43	Greensboro	3	1	

1	University of North Carolina,			
2	Asheville 2	1		
3	University of North Carolina,			
4	Wilmington 2	1		
5	North Carolina State University,			
6	Raleigh 5	3		
7	Appalachian State University		2	1
8	East Carolina University		3	2
9	Elizabeth City State University		2	1
10	Fayetteville State University		2	1
11	North Carolina Agricultural and			
12	Technical University 2	1		
13	North Carolina Central University		5	5
14	Western Carolina University		2	1
15	University of North Carolina,			
16	Pembroke2	1		
17	Winston-Salem State University		2	1
18	North Carolina School of the Arts		1	1
19	Private Institutions			
20	Duke University 6	6		
21	Davidson College 3	2		
22	Wake Forest University 5	5		
23	Lenoir Rhyne College 1	1		
24	Elon College 1	1		
25	Guilford College 1	1		
26	Campbell University 5	5		
27	Wingate College 1	1		
28	Pfeiffer College 1	1		
29	Barber Scotia College 1	1		
30	Barton College 1	1		
31	Shaw University 1	1		
32	St. Augustine's College 1	1		
33	Johnson C. Smith University 1	1	1	
34	Belmont Abbey College 1	1	1	
35	Bennett College 1	1		
36	Catawba College 1	1		
37	Gardner-Webb College 1	1		
38	Greensboro College 1	1		
39	High Point University 1	1		
40	Livingstone College 1	1		
41	Mars Hill College 1	1		
42	Meredith College 1	1		
43	Methodist College 1	1		

1	North Carolina Wesleyan College	1	1		
2	Queens College	1	1		
3	Sacred Heart College	1	1		
4	St. Andrews Presbyterian College	1	1		
5	Salem College	1	1		
6	Warren Wilson College	1	1		
7	County and Local Officials				
8	Clerks of the Superior Court			1 ea.	1 ea.
9	Register of Deeds			1 ea.	1 ea.
10	Federal, Out-of-State and Foreign				
11	Secretary to the President			1	0
12	Secretary of State			1	1
13	Secretary of Defense			1	0
14	Secretary of Agriculture			1	0
15	Secretary of the Interior			1	0
16	Secretary of Labor			1	1
17	Secretary of Commerce			1	1
18	Secretary of the Treasury			1	0
19	Secretary of Health, Education and				
20	Welfare	1	0		
21	Secretary of Housing and Urban				
22	Development	1	0		
23	Secretary of Transportation			1	0
24	Attorney General			1	0
25	Postmaster General			1	0
26	Bureau of Census			1	0
27	Bureau of Public Roads			1	0
28	Department of Justice			1	0
29	Department of Internal Revenue			1	0
30	Veterans' Administration			1	0
31	Farm Credit Administration			1	0
32	Securities and Exchange Commission			1	0
33	Social Security Board			1	0
34	Environmental Protection Agency			1	0
35	Library of Congress			8	2
36	Federal Judges resident in North				
37	Carolina	1 ea.	0		
38	Federal District Attorneys resident in				
39	North Carolina	1 ea.	0		
40	Marshal of the United States				
41	Supreme Court	1	0		
42	Federal Clerks of Court resident in				
43	North Carolina	1 ea.	0		

1 Supreme Court Library exchange list 1 ea. 0

2

3 One copy of the Session Laws shall be furnished the head of any department of State  
4 government created in the future.

5 State agencies, institutions, etc., not found in or covered by this list may, upon written  
6 request from their respective department head to the Secretary of State, and upon the  
7 discretion of the Secretary of State as to need, be issued copies of the Session Laws on a  
8 permanent loan basis with the understanding that should said copies be needed they will  
9 be recalled."

10 Section 4.(hh) G.S. 131D-10.4 reads as rewritten:

11 **"§ 131D-10.4. Exemptions.**

12 This Article shall not apply to:

- 13 (1) Any residential child-care facility chartered by the laws of the State of  
14 North Carolina (or operating under charters of other states which have  
15 complied with the corporation laws of North Carolina) which has a plant  
16 and assets worth sixty thousand dollars (\$60,000) or more and which is  
17 owned or operated by a religious denomination or fraternal order and  
18 which was in operation before July 1, 1977;
- 19 (2) State institutions for emotionally disturbed or delinquent children, the  
20 mentally ill, mentally retarded, and substance abusers;
- 21 (3) Secure detention facilities as specified in ~~Article 3C of Chapter 147~~  
22 Article 12 of Chapter 143B of the General Statutes;
- 23 (4) Licensable facilities subject to the rules of the Commission for Mental  
24 Health, Developmental Disabilities, and Substance Abuse Services as  
25 specified in Article 2 of Chapter 122C of the General Statutes;
- 26 (5) Persons authorized by statute to receive and place children for foster  
27 care and adoption in accordance with G.S. 108A-14;
- 28 (6) Primarily educational institutions as defined in G.S. 131D-10.2(11); or
- 29 (7) Individuals who are related by blood, marriage, or adoption to the  
30 child."

31 Section 4.(ii) G.S. 153A-221.1 reads as rewritten:

32 **"§ 153A-221.1. Standards and inspections.**

33 The legal responsibility of the Secretary of Health and Human Services and the Social  
34 Services Commission for State services to county juvenile detention homes under this  
35 Article is hereby confirmed and shall include the following: development of State  
36 standards under the prescribed procedures; inspection; consultation; technical assistance;  
37 and training.

38 ~~The Director of the Office of Juvenile Justice shall develop new standards which~~  
39 ~~shall be applicable to county detention homes and regional detention homes as defined by~~  
40 ~~Article 3C of Chapter 147 of the General Statutes in line with the recommendations of~~  
41 ~~the report entitled Juvenile Detention in North Carolina: A Study Report (January, 1973)~~  
42 ~~where practicable, and such new standards shall become effective not later than July 1,~~  
43 ~~1977.~~

1 The Secretary of Health and Human Services shall also develop standards under  
2 which a local jail may be approved as a holdover facility for not more than five calendar  
3 days pending placement in a juvenile detention home which meets State standards,  
4 providing the local jail is so arranged that any child placed in the holdover facility cannot  
5 converse with, see, or be seen by the adult population of the jail while in the holdover  
6 facility. The personnel responsible for the administration of a jail with an approved  
7 holdover facility shall provide close supervision of any child placed in the holdover  
8 facility for the protection of the child."

9 Section 4.(jj) G.S. 164-40 reads as rewritten:

10 **"§ 164-40. Correction population simulation model; ~~Office of Juvenile Justice~~**  
11 **Department of Juvenile Justice and Delinquency Prevention facilities**  
12 **population simulation model.**

13 (a) The Commission shall develop a correctional population simulation model, and  
14 shall have first priority to apply the model to a given fact situation, or theoretical change  
15 in the sentencing laws, when requested to do so by the Chairman, the Executive Director,  
16 or the Commission as a whole.

17 The Executive Director or the Chairman shall make the model available to respond to  
18 inquiries by any State legislator, or by the Secretary of the Department of Correction, in  
19 second priority to the work of the Commission.

20 (b) The Commission shall develop ~~an Office of Juvenile Justice~~ a Department of  
21 Juvenile Justice and Delinquency Prevention facilities population simulation model, and  
22 shall have first priority to apply the model to a given fact situation, or theoretical change  
23 in the dispositional laws set forth in Chapter 7B of the General Statutes, when requested  
24 to do so by the Chairman, the Executive Director, or the Commission as a whole.

25 The Executive Director or the Chairman shall make the model available to respond to  
26 inquiries by any State legislator, or by the ~~Office of Juvenile Justice,~~ Department of  
27 Juvenile Justice and Delinquency Prevention, in second priority to the work of the  
28 Commission."

29 Section 4.(kk) G.S. 164-43 reads as rewritten:

30 **"§ 164-43. Priority of duties; reports; continuing duties.**

31 (a) The Commission shall have two primary duties, and other secondary duties  
32 essential to accomplishing the primary ones. The Commission may establish  
33 subcommittees or advisory committees composed of Commission members to  
34 accomplish duties imposed by this Article.

35 It is the legislative intent that the Commission attach priority to accomplish the  
36 following primary duties:

- 37 (1) The classification of criminal offenses as described in G.S. 164-41 and  
38 the formulation of sentencing structures as described in G.S. 164-42;  
39 and  
40 (2) The formulation of proposals and recommendations as described in G.S.  
41 164-42.1 and G.S. 164-42.2.

1 (b) The Commission shall report its findings and recommendations to the 1991  
2 General Assembly, 1991 Regular Session. The report shall describe the status of the  
3 Commission's work, and shall include any completed policy recommendations.

4 (c) The Commission shall report on its progress in formulating recommendations  
5 for the classification and ranges of punishment for felonies and misdemeanors, required  
6 by G.S. 164-41, and sentencing structures, established under G.S. 164-42, to the 1991  
7 General Assembly, 1992 Regular Session, and shall make a final report on these  
8 recommendations no later than 30 days after the convening of the 1993 Session of the  
9 General Assembly.

10 (d) Once the primary duties of the Commission have been accomplished, it shall  
11 have the continuing duty to monitor and review the criminal justice and corrections  
12 systems and the juvenile justice system in this State to ensure that sentences and  
13 dispositions remain uniform and consistent, and that the goals and policies established by  
14 the State are being implemented by sentencing and dispositional practices, and it shall  
15 recommend methods by which this ongoing work may be accomplished and by which the  
16 correctional population simulation model and the ~~Office of Juvenile Justice~~ Department of  
17 Juvenile Justice and Delinquency Prevention facilities population simulation model  
18 developed under G.S. 164-40 shall continue to be used by the State.

19 (e) Upon adoption of a system for the classification of offenses formulated under  
20 G.S. 164-41, the Commission or its successor shall review all proposed legislation which  
21 creates a new criminal offense, changes the classification of an offense, or changes the  
22 range of punishment or dispositional level for a particular classification, and shall make  
23 recommendations to the General Assembly.

24 (f) In the case of a new criminal offense, the Commission or its successor shall  
25 determine whether the proposal places the offense in the correct classification, based  
26 upon the considerations and principles set out in G.S. 164-41. If the proposal does not  
27 assign the offense to a classification, it shall be the duty of the Commission or its  
28 successor to recommend the proper classification placement.

29 (g) In the case of proposed changes in the classification of an offense or changes in  
30 the range of punishment or dispositional level for a classification, the Commission or its  
31 successor shall determine whether such a proposed change is consistent with the  
32 considerations and principles set out in G.S. 164-41, and shall report its findings to the  
33 General Assembly.

34 (h) The Commission or its successor shall meet within 10 days after the last day  
35 for filing general bills in the General Assembly for the purpose of reviewing bills as  
36 described in subsections (e), (f), and (g). The Commission or its successor shall include  
37 in its report on a bill an analysis based on an application of the correctional population  
38 simulation model or the ~~Office of Juvenile Justice~~ Department of Juvenile Justice and  
39 Delinquency Prevention facilities population simulation model to the provisions of the  
40 bill."

41 Section 4.(II) G.S. 164-37(26) reads as rewritten:

42 "(26) A representative of the ~~Office of Juvenile Justice~~ Department of Juvenile  
43 Justice and Delinquency Prevention."

1 Section 4.(mm) G.S. 143B-2 reads as rewritten:

2 **"§ 143B-2. Interim applicability of the Executive Organization Act of 1973.**

3 The Executive Organization Act of 1973 shall be applicable only to the following  
4 named departments:

- 5 (1) Department of Cultural Resources
- 6 (2) Department of Health and Human Services
- 7 (3) Department of Revenue
- 8 (4) Department of Crime Control and Public Safety
- 9 (5) Department of Correction
- 10 (6) Department of Environment and Natural Resources
- 11 (7) Department of Transportation
- 12 (8) Department of Administration
- 13 (9) Department of ~~Commerce~~ Commerce
- 14 (10) Department of Juvenile Justice and Delinquency Prevention."

15 Section 4.(nn) G.S. 143B-6 reads as rewritten:

16 **"§ 143B-6. Principal departments.**

17 In addition to the principal departments enumerated in the Executive Organization  
18 Act of 1971, all executive and administrative powers, duties, and functions not including  
19 those of the General Assembly and its agencies, the General Court of Justice and the  
20 administrative agencies created pursuant to Article IV of the Constitution of North  
21 Carolina, and higher education previously vested by law in the several State agencies, are  
22 vested in the following principal departments:

- 23 (1) Department of Cultural Resources
- 24 (2) Department of Health and Human Services
- 25 (3) Department of Revenue
- 26 (4) Department of Crime Control and Public Safety
- 27 (5) Department of Correction
- 28 (6) Department of Environment and Natural Resources
- 29 (7) Department of Transportation
- 30 (8) Department of Administration
- 31 (9) Department of Commerce
- 32 (10) Community Colleges System ~~Office~~ Office
- 33 (11) Department of Juvenile Justice and Delinquency Prevention."

34 **PART IV. EFFECTIVE DATE.**

35 Section 5. This act becomes effective July 1, 2000.