

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 902

Short Title: Juvenile Transfer to Superior Court.

(Public)

Sponsors: Senator Wellons.

Referred to: Judiciary I.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE AUTHORIZATION OF THE COURT TO PROCEED
WITH A JUVENILE TRANSFER HEARING UPON ITS OWN MOTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7B-2200, as enacted by S.L. 1998-202, reads as rewritten:
"§ 7B-2200. Transfer of jurisdiction of juvenile to superior court.

After notice, hearing, and a finding of probable cause the court may, upon motion of the prosecutor or the juvenile's ~~attorney or upon its own motion,~~ attorney, transfer jurisdiction over a juvenile to superior court if the juvenile was 13 years of age or older at the time the juvenile allegedly committed an offense that would be a felony if committed by an adult. If the alleged felony constitutes a Class A felony and the court finds probable cause, the court shall transfer the case to the superior court for trial as in the case of adults."

Section 2. G.S. 7B-2202(e), as enacted by S.L. 1998-202, reads as rewritten:

"(e) If probable cause is found and transfer to superior court is not required by G.S. 7B-2200, upon motion of the prosecutor or the juvenile's ~~attorney or upon its own motion,~~ attorney, the court shall either proceed to a transfer hearing or set a date for that hearing. If the juvenile has not received notice of the intention to seek transfer at least five days prior to the probable cause hearing, the court, at the request of the juvenile, shall continue the transfer hearing."

1 Section 3. This act becomes effective October 1, 1999.