

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS65463-SAz-54A* (04/13)

Short Title: Juvenile Code Changes.

(Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE JUVENILE CODE, AS RECOMMENDED
BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND
JUVENILE JUSTICE OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1903(d) reads as rewritten:

"(d) The court may order secure custody for a juvenile who is alleged to have substantially violated the conditions of the juvenile's probation or post-release supervision, ~~but only if the juvenile is alleged to have committed acts that damage property or injure persons.~~ supervision."

SECTION 2. G.S. 7B-2507(b) reads as rewritten:

"(b) Points. – Points are assigned as follows:

- (1) For each prior adjudication of a Class A through E felony offense, 4 points.
- (2) For each prior adjudication of a Class F through I felony ~~offense~~ offense, Class A1 misdemeanor offense, G.S. 14-202.2 (indecent liberties between children), G.S. 14-269 (carrying concealed weapons), or G.S. 14-269.7(a) (prohibitions on handguns for minors), 2 points.
- (3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, except G.S. 14-202.2 (indecent liberties between children), G.S. 14-269 (carrying concealed weapons), or G.S. 14-269.7(a) (prohibitions on handguns for minors), 1 point.
- (4) If the juvenile was on probation at the time of offense, 2 points."

SECTION 3. G.S. 7B-2508(a) reads as rewritten:

"(a) Offense Classification. – The offense classifications are as follows:

- (1) Violent – Adjudication of a Class A through E felony offense;

- 1 (2) Serious – Adjudication of a Class F through I felony ~~offense or offense,~~
2 a Class A1 ~~misdemeanor;~~misdemeanor, G.S. 14-202.2 (indecent
3 liberties between children), G.S. 14-269 (carrying concealed weapons),
4 or G.S. 14-269.7(a) (prohibitions on handguns for minors);
5 (3) Minor – Adjudication of a Class 1, 2, or 3 ~~misdemeanor.~~misdemeanor,
6 except G.S. 14-202.2 (indecent liberties between children),
7 G.S. 14-269 (carrying concealed weapons), or G.S. 14-269.7(a)
8 (prohibitions on handguns for minors)."

9 **SECTION 4.** G.S. 7B-2510(e) reads as rewritten:

10 "(e) If the court, after notice and a hearing, finds by the greater weight of the
11 evidence that the juvenile has violated the conditions of probation set by the court, the
12 court may continue the original conditions of probation, modify the conditions of
13 probation, or, except as provided in subsection (f) of this section, order a new
14 disposition at the next higher level on the disposition chart in G.S. 7B-2508. In the
15 court's discretion, part of the new disposition if the juvenile's disposition is not raised to
16 a higher level of disposition, the court may include an order of confinement in a secure
17 juvenile detention facility for up to twice the term authorized by
18 ~~G.S. 7B-2508.~~G.S. 7B-2508 for the juvenile's dispositional level."

19 **SECTION 5.** G.S. 7B-1501 is amended by adding a new subdivision to read:

20 "(21a) Prior adjudication. – Any adjudication that occurred before the current
21 date of disposition which is not a part of some related transaction for
22 the current offense."

23 **SECTION 6.** This act becomes effective December 1, 2006, and applies to
24 offenses committed on or after that date.