

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

2

SENATE BILL 207
Judiciary Committee Substitute Adopted 3/23/21

Short Title: Various Raise the Age Changes/JJAC Recs. (Public)

Sponsors:

Referred to:

March 10, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE JUVENILE JUSTICE REINVESTMENT ACT BASED ON
3 LEGISLATIVE RECOMMENDATIONS OF THE JUVENILE JURISDICTION
4 ADVISORY COMMITTEE.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. YOUTH DETENTION CENTERS COMMITMENT CHANGES**

8 **SECTION 1.(a)** G.S. 7B-2513 reads as rewritten:

9 "**§ 7B-2513. Commitment of delinquent juvenile to Division.**

10 ...

11 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
12 but less than 17 years of age, the term shall not ~~exceed the~~ exceed:

13 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
14 the Division for an offense that would be first-degree murder pursuant to
15 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
16 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
17 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to
18 G.S. 14-27.29 if committed by an adult;

19 (2) The twentieth birthday of the juvenile if the juvenile has been committed to
20 the Division for an offense that would be a Class B1, B2, C, D, or E felony if
21 committed by an adult, other than an offense set forth in subdivision (1) of
22 this subsection; or

23 (3) The juvenile's nineteenth birthday birthday if the juvenile has been committed
24 to the Division for an offense other than an offense that would be a Class A,
25 B1, B2, C, D, or E felony if committed by an adult.

26 (a3) For an offense the juvenile committed while the juvenile was at least 17 years of age,
27 the term shall not ~~exceed the~~ exceed:

28 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
29 the Division for an offense that would be a Class A, B1, B2, C, D, or E felony
30 if committed by an adult; or

31 (2) The juvenile's twentieth birthday birthday if the juvenile has been committed
32 to the Division for an offense other than an offense that would be a Class A,
33 B1, B2, C, D, or E felony if committed by an adult.

34"

35 **SECTION 1.(b)** G.S. 7B-1601(b1) reads as rewritten:



1 "(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
2 offense committed while the juvenile was at least 16 years of age but less than 17 years of age,
3 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
4 age of 19 ~~years-years~~, except as provided otherwise in this Article. If the offense was committed
5 while the juvenile was at least 17 years of age, jurisdiction shall continue until terminated by
6 order of the court or until the juvenile reaches the age of 20 ~~years-years~~, except as provided
7 otherwise in this Article."

8 **SECTION 1.(c)** G.S. 7B-1602 reads as rewritten:

9 "**§ 7B-1602. Extended jurisdiction over a delinquent juvenile under certain circumstances.**

10 ...

11 (b) When a juvenile is committed to the Division for placement in a youth development
12 center for an offense committed under the age of 16 that would be a Class B1, B2, C, D, or E
13 felony if committed by an adult, other than an offense set forth in subsection (a) of this section,
14 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
15 age of 19 years, whichever occurs first.

16 (c) When a juvenile is committed to the Division for placement in a youth development
17 center for an offense committed while the juvenile was at least 16 years of age but less than 17
18 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than
19 an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated
20 by order of the court or until the juvenile reaches the age of 20 years, whichever occurs first.

21 (d) When a juvenile is committed to the Division for placement in a youth development
22 center for an offense committed while at least 17 years of age that would be a Class B1, B2, C,
23 D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this
24 section, jurisdiction shall continue until terminated by order of the court or until the juvenile
25 reaches the age of 21 years, whichever occurs first."

26 **SECTION 1.(d)** G.S. 7B-2514(c) reads as rewritten:

27 "(c) The Division shall release a juvenile under a plan of post-release supervision at least
28 90 days prior ~~to~~ to one of the following:

- 29 (1) Completion of the juvenile's definite term of ~~commitment~~; or commitment.
- 30 (2) The juvenile's twenty-first birthday if the juvenile has been committed to the
31 Division for an offense that would be first-degree murder pursuant to
32 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
33 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
34 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to
35 G.S. 14-27.29 if committed by an adult.
- 36 (3) ~~The juvenile's nineteenth birthday if~~ If the juvenile has been committed to the
37 Division for an offense that would be a Class B1, B2, C, D, or E felony if
38 committed by an adult, other than an offense set forth in
39 ~~G.S. 7B-1602(a).~~ G.S. 7B-1602(a):
 - 40 a. The juvenile's nineteenth birthday, if the juvenile committed the
41 offense prior to reaching the age of 16 years.
 - 42 b. The juvenile's twentieth birthday, if the juvenile committed the offense
43 while the juvenile was at least 16 years of age but less than 17 years
44 of age.
 - 45 c. The juvenile's twenty-first birthday, if the juvenile committed the
46 offense while the juvenile was at least 17 years of age.
- 47 (4) ~~The juvenile's eighteenth birthday if~~ If the juvenile has been committed to the
48 Division for an offense other than an offense that would be a Class A, B1, B2,
49 C, D, or E felony if committed by an ~~adult~~ adult:
 - 50 a. The eighteenth birthday of the juvenile, if the juvenile committed the
51 offense prior to reaching the age of 16 years.

- 1 b. The nineteenth birthday of the juvenile, if the juvenile committed the
 2 offense while the juvenile was at least 16 years of age but less than 17
 3 years of age.
 4 c. The twentieth birthday of the juvenile, if the juvenile committed the
 5 offense while the juvenile was at least 17 years of age."

6 **SECTION 1.(e)** G.S. 7B-2516(c) reads as rewritten:

7 "(c) If the court revokes post-release supervision, the juvenile shall be returned to the
 8 Division for placement in a youth development center for an indefinite term of at least 90 days,
 9 provided, however, that no juvenile shall remain committed to the Division for placement in a
 10 youth development center ~~past~~ past the maximum term of commitment allowed pursuant to
 11 G.S. 7B-2513(a1), 7B-2513(a2), and 7B-2513(a3).

- 12 (1) ~~The juvenile's twenty first birthday if the juvenile has been committed to the~~
 13 ~~Division for an offense that would be first degree murder pursuant to~~
 14 ~~G.S. 14-17, first degree forcible rape pursuant to G.S. 14-27.21, first degree~~
 15 ~~statutory rape pursuant to G.S. 14-27.24, first degree forcible sexual offense~~
 16 ~~pursuant to G.S. 14-27.26, or first degree statutory sexual offense pursuant to~~
 17 ~~G.S. 14-27.29 if committed by an adult.~~
 18 (2) ~~The juvenile's nineteenth birthday if the juvenile has been committed to the~~
 19 ~~Division for an offense that would be a Class B1, B2, C, D, or E felony if~~
 20 ~~committed by an adult, other than an offense set forth in G.S. 7B-1602(a).~~
 21 (3) ~~The juvenile's eighteenth birthday if the juvenile has been committed to the~~
 22 ~~Division for an offense other than an offense that would be a Class A, B1, B2,~~
 23 ~~C, D, or E felony if committed by an adult."~~

24 **SECTION 1.(f)** G.S. 7B-2600 reads as rewritten:

25 **"§ 7B-2600. Authority to modify or vacate.**

26 ...

27 (c) In any case where the court finds the juvenile to be ~~delinquent or undisciplined~~, the
 28 jurisdiction of the court to modify any order or disposition made in the case shall continue (i)
 29 during the minority of the juvenile, (ii) ~~until the juvenile reaches the age of 19 years if the juvenile~~
 30 ~~has been adjudicated delinquent and committed to the Division for an offense that would be a~~
 31 ~~Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S.~~
 32 ~~7B-1602(a), (iii) until the juvenile reaches the age of 21 years if the juvenile has been adjudicated~~
 33 ~~delinquent and committed for an offense that would be first degree murder pursuant to G.S.~~
 34 ~~14-17, first degree forcible rape pursuant to G.S. 14-27.21, first degree statutory rape pursuant~~
 35 ~~to G.S. 14-27.24, first degree forcible sexual offense pursuant to G.S. 14-27.26, or first degree~~
 36 ~~statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult, juvenile or (iv) until~~
 37 ~~terminated by order of the court.~~

38 (d) In any case where the court finds the juvenile to be delinquent, the jurisdiction of the
 39 court to modify any order or disposition made in the case shall continue until one of the following
 40 occurs:

- 41 (1) The juvenile reaches the age of 18 for an offense committed prior to the
 42 juvenile reaching the age of 16.
 43 (2) The juvenile reaches the age of 19 for an offense committed while the juvenile
 44 was at least 16 years of age but less than 17 years of age.
 45 (3) The juvenile reaches the age of 20 for an offense committed while the juvenile
 46 was at least 17 years of age.
 47 (4) The juvenile reaches the maximum term of commitment as authorized
 48 pursuant to G.S. 7B-2513(a1), 7B-2513(a2), and 7B-2513(a3), if the juvenile
 49 was committed to the Division for placement in a youth development center.
 50 (5) Terminated by order of the court."
 51

PART II. JUVENILE TRANSFER HOUSING CHANGES

SECTION 2. G.S. 7B-2204(d) reads as rewritten:

"(d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal offense in superior court and receive an active sentence, then immediate transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be ordered. Until such time as the juvenile is transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the juvenile may be detained in a holdover facility. ~~The juvenile may not be detained in a facility or detention facility pending transfer to approved by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, unless the detention facility is operated by the sheriff pursuant to G.S. 7B-1905(b).Section.~~"

PART III. SECURE CUSTODY ORDER CHANGES

SECTION 3.(a) G.S. 7A-271 is amended by adding a new subsection to read:

"(g) The superior court has jurisdiction to issue a secure custody order pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d)."

SECTION 3.(b) G.S. 7B-1902 reads as rewritten:

"§ 7B-1902. Authority to issue custody orders; delegation.

In the case of any juvenile alleged to be within the jurisdiction of the court, when the court finds it necessary to place the juvenile in custody, the court may order that the juvenile be placed in secure or nonsecure custody pursuant to criteria set out in G.S. 7B-1903.

Any district court judge may issue secure and nonsecure custody orders pursuant to G.S. 7B-1903. The chief district court judge may delegate the court's authority to the chief court counselor or the chief court counselor's counseling staff by administrative order filed in the office of the clerk of superior court. The administrative order shall specify which persons may be contacted for approval of a secure or nonsecure custody order. The chief district court judge shall not delegate the court's authority to detain or house juveniles in holdover facilities pursuant to G.S. 7B-1905 or G.S. 7B-2513.

Any superior court judge may issue a secure custody order pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d)."

SECTION 3.(c) G.S. 7B-1906 is amended by adding a new subsection to read:

"(b2) A hearing to determine the need for continued secure custody shall be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court pursuant to G.S. 7B-2200.5(d). A hearing conducted under this subsection may not be continued or waived. Subsequent hearings on the need for continued secure custody shall be held pursuant to subsection (b1) of this section. The district court has authority to modify any secure custody order pursuant to the provisions of this section following the issuance of that order by the superior court."

SECTION 3.(d) G.S. 7B-2200.5(d) reads as rewritten:

"(d) In any case where jurisdiction over a juvenile has been transferred to superior court, upon joint motion of the prosecutor and the juvenile's attorney, the superior court shall remand the case to district court and court. The prosecutor shall provide the chief court counselor or his or her designee with a copy of the joint motion prior to submitting the motion to the court. The superior court shall expunge the superior court record in accordance with G.S. 15A-145.8.G.S. 15A-145.8 at the time of remand, and, if the juvenile meets the criteria established in G.S. 7B-1903, may issue an order for secure custody upon the request of a prosecutor. The prosecutor shall provide a copy of any secure custody order issued to the chief court counselor or his or her designee, as soon as possible and no more than 24 hours after the order is issued."

1 **PART IV. PROSECUTORIAL DISCRETION FOR E THROUGH G FELONIES FOR**
2 **JUVENILES**

3 **SECTION 4.** G.S. 7B-2200.5 reads as rewritten:

4 "**§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.**

5 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed
6 an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the
7 court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults
8 unless the prosecutor declines to prosecute in superior court as provided in subsection (a1) of this
9 section after either of the following:

10 (1) Notice to the juvenile and a finding by the court that a bill of indictment has
11 been returned against the juvenile charging the commission of an offense that
12 constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.

13 (2) Notice, hearing, and a finding of probable cause that the juvenile committed
14 an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if
15 committed by an adult.

16 (a1) The prosecutor may decline to prosecute in superior court a matter that would
17 otherwise be subject to mandatory transfer pursuant to subsection (a) of this section if the juvenile
18 has allegedly committed an offense that would be a Class D, E, F, or G felony if committed by
19 an adult. If the prosecutor declines to prosecute the matter in superior court, jurisdiction over the
20 juvenile shall remain in juvenile court following a finding of probable cause pursuant to
21 G.S. 7B-2202. Prior to adjudication, the prosecutor may choose to transfer the matter pursuant
22 to subsection (a) of this section if the juvenile has allegedly committed an offense that would be
23 a Class D, E, F, or G felony if committed by an adult.

24"

25
26 **PART V. MINIMUM AGE OF JUVENILE JURISDICTION**

27 **SECTION 5.(a)** Article 3 of Chapter 7B of the General Statutes is amended by
28 adding a new section to read:

29 "**§ 7B-308.1. Authority of juvenile court counselor.**

30 Any time a juvenile court counselor has cause to suspect, in the course of the provision and
31 coordination of multidisciplinary service referrals for juveniles under the age of 10 pursuant to
32 G.S. 143B-831(17.1), that the juvenile is abused, neglected, or dependent, the juvenile court
33 counselor shall make a report to the director as required by G.S. 7B-301. The director shall
34 immediately begin an assessment of the case and may initiate juvenile proceedings and take all
35 other steps authorized by the regular provisions of this Subchapter. If the director decides not to
36 file a petition, the juvenile court counselor or the chief court counselor may ask the prosecutor to
37 review this decision according to the provisions of G.S. 7B-305 and G.S. 7B-306."

38 **SECTION 5.(b)** G.S. 7B-1501 reads as rewritten:

39 "**§ 7B-1501. Definitions.**

40 ...

41 ~~(3)~~(3a) Community-based program. – A program providing nonresidential or
42 residential treatment to a juvenile under the jurisdiction of the juvenile court
43 in the community where the juvenile's family lives. A community-based
44 program may include specialized foster care, family counseling, shelter care,
45 and other appropriate treatment.

46 (3b) Child Consultation. – Any child while less than 10 years of age but at least 6
47 years of age, who is referred to the Division of Juvenile Justice because it is
48 deemed the child is in need of community resources or services. Services shall
49 be provided to the child and the child's parent, guardian, or custodian of a child
50 pursuant to G.S. 7B-1706.1. The court may exercise jurisdiction over the
51 parent, guardian, or custodian, as provided in G.S. 7B-1605, for

1 noncompliance with recommended services. Child Consultation cases are
 2 subject to confidentiality laws provided in Subchapter III of this Chapter.
 3 (3c) Consultation complaint. – A complaint made against any child while less than
 4 10 years of age but at least 6 years of age, alleged to have committed an
 5 offense that would be considered a delinquent offense if committed by a
 6 juvenile over the age of 10. These children shall be served by a Juvenile Court
 7 Counselor as a Child Consultation.

8 ...

9 (7) Delinquent juvenile. –

- 10 a. Any juvenile who, while less than 16 years of age but at least ~~6~~10
 11 years of age, commits a crime or infraction under State law or under
 12 an ordinance of local government, including violation of the motor
 13 vehicle laws, or who commits indirect contempt by a juvenile as
 14 defined in G.S. 5A-31.
 15 b. Any juvenile who, while less than 18 years of age but at least 16 years
 16 of age, commits a crime or an infraction under State law or under an
 17 ordinance of local government, excluding all violations of the motor
 18 vehicle laws under Chapter 20 of the General Statutes, or who commits
 19 indirect contempt by a juvenile as defined in G.S. 5A-31.

20"

21 SECTION 5.(c) Article 16 of Chapter 7B of the General Statutes is amended by
 22 adding a new section to read:

23 "**§ 7B-1605. Jurisdiction over parents in Child Consultations.**

24 (a) The court has exclusive, original jurisdiction over the parent, guardian, or custodian
 25 of any child under the age of 10 who is receiving Child Consultation services.

26 (b) When the court obtains jurisdiction over a parent, guardian, or custodian alleged to
 27 be in noncompliance with Child Consultation recommendations, jurisdiction shall continue for
 28 up to nine months or until terminated by order of the court."

29 SECTION 5.(d) G.S. 7B-1700.1 reads as rewritten:

30 "**§ 7B-1700.1. Duty to report abuse, neglect, dependency.**

31 Any time a juvenile court counselor or any person has cause to suspect that a juvenile or child
 32 is abused, neglected, or dependent, or has died as the result of maltreatment, the juvenile court
 33 counselor or the person shall make a report to the county department of social services as required
 34 by ~~G.S. 7B-301~~G.S. 7B-301, or, in the case of a child under the age of 10 who is receiving
 35 service pursuant to G.S. 143B-831(17.1), the juvenile court counselor shall make a report to the
 36 director of the county department of social services as required by G.S. 7B-308.1."

37 SECTION 5.(e) G.S. 7B-1701 reads as rewritten:

38 "**§ 7B-1701. Preliminary inquiry.**

39 When a complaint is received, the juvenile court counselor shall make a preliminary
 40 determination as to whether the juvenile is within the jurisdiction of the court as a delinquent or
 41 undisciplined juvenile. juvenile or is under 10 and shall be served as Child Consultation. If the
 42 juvenile court counselor finds that the facts contained in the complaint do not state a case within
 43 the jurisdiction of the court, that legal sufficiency has not been established, or that the matters
 44 alleged are frivolous, the juvenile court counselor, without further inquiry, shall refuse
 45 authorization to file the complaint as a ~~petition~~juvenile petition, but may accept the complaint
 46 or Child Consultation for a child under the age of 10.

47 If a complaint against the juvenile has not been previously received, as determined by the
 48 juvenile court counselor, the juvenile court counselor shall make reasonable efforts to meet with
 49 the juvenile and the juvenile's parent, guardian, or custodian if the offense is divertable.

1 When requested by the juvenile court counselor, the prosecutor shall assist in determining
2 the sufficiency of evidence as it affects the quantum of proof and the elements of
3 ~~offenses-offenses for a delinquent or undisciplined complaint.~~

4"

5 **SECTION 5.(f)** G.S. 7B-1703 reads as rewritten:

6 "**§ 7B-1703. Evaluation decision.**

7 (a) The juvenile court counselor shall complete evaluation of a complaint within 15 days
8 of receipt of the complaint, with an extension for a maximum of 15 additional days at the
9 discretion of the chief court counselor. The juvenile court counselor shall decide within this time
10 period whether a complaint shall be filed as a juvenile ~~petition-petition~~ or as a Child Consultation
11 complaint for a child under 10 years of age.

12 (b) Except as provided in G.S. 7B-1501(7) and G.S. 7B-1706, if the juvenile court
13 counselor determines that a complaint should be filed as a petition, the counselor shall file the
14 petition as soon as practicable, but in any event within 15 days after the complaint is received,
15 with an extension for a maximum of 15 additional days at the discretion of the chief court
16 counselor. The juvenile court counselor shall assist the complainant when necessary with the
17 preparation and filing of the ~~petition-complaint~~, shall include on it the date and the words
18 "Approved for Filing", shall sign it, and shall transmit it to the clerk of superior court.

19 (c) ~~If~~ Except as provided in G.S. 7B-1705(7), if the juvenile court counselor determines
20 that a petition should not be filed, the juvenile court counselor shall notify the complainant and
21 the victim, if the complainant is not the victim, immediately in writing with specific reasons for
22 the decision, whether or not legal sufficiency was found, and whether the matter was closed or
23 diverted and retained, and shall include notice of the complainant's and victim's right to have the
24 decision reviewed by the prosecutor. The juvenile court counselor shall sign the complaint after
25 indicating on it:

- 26 (1) The date of the determination;
- 27 (2) The words "Not Approved for Filing"; and
- 28 (3) Whether the matter is "Closed" or "Diverted and Retained".

29 Except as provided in G.S. 7B-1706, any complaint not approved for filing as a juvenile
30 petition shall be destroyed by the juvenile court counselor after holding the complaint for a
31 temporary period to allow review as provided in G.S. 7B-1705.

32 (d) If the juvenile court counselor determines that the child under age 10 shall proceed to
33 receiving a Child Consultation, the juvenile court counselor shall obtain referral information."

34 **SECTION 5.(g)** Article 17 of Chapter 7B of the General Statutes is amended by
35 adding a new section to read:

36 "**§ 7B-1706.1. Child Consultation services.**

37 For a child under 10 years of age, the juvenile court counselor shall serve the child under a
38 Child Consultation for up to six months providing case management services. An extension of
39 Child Consultation services may be made for up to three months at the approval of the Chief
40 Court Counselor. As part of case management services, the juvenile court counselor shall provide
41 screenings, assessments, community resources, and programming to the child and the parent,
42 legal guardian, or custodian."

43 **SECTION 5.(h)** G.S. 7B-1805 reads as rewritten:

44 "**§ 7B-1805. Issuance of summons.**

45 (a) Immediately after a petition has been filed alleging that a juvenile is undisciplined or
46 delinquent, or a petition has been filed alleging that a parent, guardian, or custodian is in
47 noncompliance with Child Consultation recommendations, the clerk shall issue a summons to
48 the juvenile and to the parent, guardian, or custodian requiring them to appear for a hearing at
49 the time and place stated in the summons. A copy of the petition shall be attached to each
50 summons.

1 (b) A summons shall be on a printed form supplied by the Administrative Office of the
2 Courts and shall include:

- 3 (1) Notice of the nature of the proceeding and the purpose of the hearing
4 scheduled on the summons.
- 5 (2) Notice of any right to counsel and information about how to seek the
6 appointment of counsel prior to a hearing.
- 7 (3) Notice that, if the court determines at the adjudicatory hearing that the
8 allegations of the petition are true, the court will conduct a dispositional
9 hearing and will have jurisdiction to enter orders affecting substantial rights
10 of the juvenile and of the parent, guardian, or custodian, including orders that:
11 a. Affect the juvenile's custody;
12 b. Impose conditions on the juvenile;
13 c. Require that the juvenile receive medical, psychiatric, psychological,
14 or other treatment and that the parent participate in the treatment;
15 d. Require the parent to undergo psychiatric, psychological, or other
16 treatment or counseling;
17 e. Order the parent to pay for treatment that is ordered for the juvenile or
18 the parent; and
19 f. Order the parent to pay support for the juvenile for any period the
20 juvenile does not reside with the parent or to pay attorneys' fees or
21 other fees or expenses as ordered by the court.
- 22 (4) Notice that the parent, guardian, or custodian shall be required to attend
23 scheduled hearings and that failure without reasonable cause to attend may
24 result in proceedings for contempt of court.
- 25 (5) Notice that the parent, guardian, or custodian shall be responsible for bringing
26 the juvenile before the court at any hearing the juvenile is required to attend
27 and that failure without reasonable cause to bring the juvenile before the court
28 may result in proceedings for contempt of court.

29 (b1) A summons issued for a petition alleging that a parent is in noncompliance with Child
30 Consultation recommendations shall be on a printed form supplied by the Administrative Office
31 of the Courts and shall include:

- 32 (1) Notice of the nature of the proceeding and the purpose of the hearing
33 scheduled on the summons.
- 34 (2) Notice of any right to counsel.
- 35 (3) Notice that, if the court determines at the hearing that the allegations of the
36 petition are true, the court will have jurisdiction to enter orders affecting
37 substantial rights of the parent, guardian, or custodian, including orders that:
38 a. Require the parent to attend evidence-based parenting classes.
39 b. Require that the child named in the consultation complaint receive
40 medical, psychiatric, psychological, or other treatment and that the
41 parent participate in the treatment.
42 c. Require the parent to undergo psychiatric, psychological, or other
43 treatment or counseling.
44 d. Order the parent to pay for treatment that is ordered for the child or the
45 parent.
- 46 (4) Notice that the parent, guardian, or custodian shall be required to attend
47 scheduled hearings and that failure without reasonable cause to attend may
48 result in proceedings for contempt of court.

49 (c) The summons shall advise the parent, guardian, or custodian that upon service,
50 jurisdiction over the parent, guardian, or custodian is obtained and that failure of the parent,
51 guardian, or custodian to appear or bring the juvenile before the court without reasonable cause

1 or to comply with any order of the court pursuant to Article 27 or Article 34A of this Chapter
2 may cause the court to issue a show cause order for contempt. The summons shall contain the
3 following language in bold type:

4 "TO THE PARENT(S), GUARDIAN(S), OR CUSTODIAN(S): YOUR FAILURE TO
5 APPEAR IN COURT FOR A SCHEDULED HEARING OR TO COMPLY WITH AN ORDER
6 OF THE COURT MAY RESULT IN A FINDING OF CRIMINAL CONTEMPT. A PERSON
7 HELD IN CRIMINAL CONTEMPT MAY BE SUBJECT TO IMPRISONMENT OF UP TO 30
8 DAYS, A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) OR BOTH."

9 (d) A summons shall be directed to the person summoned to appear and shall be delivered
10 to any person authorized to serve process."

11 **SECTION 5.(i)** G.S. 7B-1806 reads as rewritten:

12 **"§ 7B-1806. Service of summons.**

13 ~~The~~ When a petition has been filed alleging that a juvenile is undisciplined or delinquent, the
14 summons and petition shall be personally served upon the parent, the guardian, or custodian and
15 the juvenile not less than five days prior to the date of the scheduled hearing. When a petition
16 has been filed alleging that a parent, guardian, or custodian is in noncompliance with Child
17 Consultation recommendations, the summons and petition shall be personally served upon the
18 parent, guardian, or custodian not less than five days prior to the date of the scheduled hearing.
19 The time for service may be waived in the discretion of the court.

20 If the parent, guardian, or custodian entitled to receive a summons cannot be found by a
21 diligent effort, the court may authorize service of the summons and petition by mail or by
22 publication. The cost of the service by publication shall be advanced by the petitioner and may
23 be charged as court costs as the court may direct.

24 The court may issue a show cause order for contempt against a parent, guardian, or custodian
25 who is personally served and fails without reasonable cause to appear ~~and~~ or to bring the juvenile
26 before the court.

27 The provisions of G.S. 15A-301(a), (c), (d), and (e) relating to criminal process apply to
28 juvenile process; provided the period of time for return of an unserved summons is 30 days."

29 **SECTION 5.(j)** G.S. 7B-2502 reads as rewritten:

30 **"§ 7B-2502. Evaluation and treatment of undisciplined and delinquent juveniles.**

31 (a) In any case, the court may order that the juvenile or child be examined by a physician,
32 psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine
33 the needs of the ~~juvenile- juvenile or child~~. In the case of a juvenile adjudicated delinquent for
34 committing an offense that involves the possession, use, sale, or delivery of alcohol or a
35 controlled substance, the court shall require the juvenile to be tested for the use of controlled
36 substances or alcohol within 30 days of the adjudication. In the case of any juvenile adjudicated
37 delinquent, the court may, if it deems it necessary, require the juvenile to be tested for the use of
38 controlled substances or alcohol. The results of these initial tests conducted pursuant to this
39 subsection shall be used for evaluation and treatment purposes only. In placing a juvenile in
40 out-of-home care under this section, the court shall also consider whether it is in the juvenile's
41 best interest to remain in the juvenile's community of residence.

42 (b) Upon completion of the examination, the court shall conduct a hearing to determine
43 whether the juvenile or child is in need of medical, surgical, psychiatric, psychological, or other
44 evaluation or treatment and who should pay the cost of the evaluation or treatment. The county
45 manager, or any other person who is designated by the chair of the board of county
46 commissioners, of the county of the juvenile's or child's residence shall be notified of the hearing,
47 and allowed to be heard. If the court finds the juvenile or child to be in need of medical, surgical,
48 psychiatric, psychological, or other evaluation or treatment, the court shall permit the parent,
49 guardian, custodian, or other responsible persons to arrange for evaluation or treatment. If the
50 parent, guardian, or custodian declines or is unable to make necessary arrangements, the court
51 may order the needed evaluation or treatment, surgery, or care, and the court may order the parent

1 to pay the cost of the care pursuant to Article 27 or Article 34A of this Chapter. If the court finds
2 the parent is unable to pay the cost of evaluation or treatment, the court shall order the county to
3 arrange for evaluation or treatment of the juvenile or child and to pay for the cost of the evaluation
4 or treatment. The county department of social services shall recommend the facility that will
5 provide the juvenile with evaluation or treatment.

6 (c) If the court believes, or if there is evidence presented to the effect that the juvenile or
7 child has a mental illness or a developmental disability, the court shall refer the juvenile or child
8 to the area mental health, developmental disabilities, and substance abuse services director for
9 appropriate action. A juvenile or child shall not be committed directly to a State hospital or State
10 developmental center, and orders purporting to commit a juvenile or child directly to a State
11 hospital or State developmental center, except for an examination to determine capacity to
12 proceed, are void and of no effect. The area mental health, developmental disabilities, and
13 substance abuse director is responsible for arranging an interdisciplinary evaluation of the
14 juvenile and mobilizing resources to meet the juvenile's or child's needs. If institutionalization is
15 determined to be the best service for the juvenile, juvenile or child, admission shall be with the
16 voluntary consent of the parent, guardian, or custodian. If the parent, guardian, or custodian
17 refuses to consent to institutionalization after it is recommended by the area mental health,
18 developmental disabilities, and substance abuse director, the signature and consent of the court
19 may be substituted for that purpose. In all cases in which a regional mental hospital refuses
20 admission to a juvenile or child referred for admission by the court and an area mental health,
21 developmental disabilities, and substance abuse director or discharges a juvenile or child
22 previously admitted on court referral prior to completion of the juvenile's or child's treatment,
23 the hospital shall submit to the court a written report setting out the reasons for denial of
24 admission or discharge and setting out the juvenile's or child's diagnosis, indications of mental
25 illness, indications of need for treatment, and a statement as to the location of any facility known
26 to have a treatment program for the juvenile or child in question."

27 SECTION 5.(k) Chapter 7B of the General Statutes is amended by adding a new
28 Article to read:

29 "Article 34A.

30 "Authority over Parents, Guardians, or Custodians of Juveniles under 10 Years of Age.

31 **"§ 7B-3405. Attend all scheduled meetings with juvenile court counselor.**

32 The parent, guardian, or custodian of a child under the age of 10 shall attend all scheduled
33 meetings with the juvenile court counselor provided sufficient notice of the meeting was given
34 to the parent, guardian, or custodian.

35 **"§ 7B-3406. Attend evidence-based parenting classes.**

36 The juvenile court counselor may direct the parent, guardian, or custodian of a child who is
37 under 10 years of age to attend evidence-based parenting classes if those classes are available in
38 the district in which the parent, guardian, or custodian resides.

39 **"§ 7B-3407. Medical, surgical, psychiatric, or psychological evaluation or treatment of**
40 **juvenile or parent.**

41 (a) The juvenile court counselor shall work with the parent, guardian, or custodian of the
42 child to obtain for the child any medical, surgical, psychiatric, psychological, or other evaluation
43 or treatment pursuant to G.S. 7B-2502 as needed or recommended. The juvenile court counselor
44 shall work with the parent, guardian, or custodian of the child and other funding resources to find
45 a means for paying for such services, including helping the parent, guardian, or custodian of the
46 child to apply for Health Choice and/or Medicaid.

47 (b) The juvenile court counselor, with written recommendations of a qualified physician,
48 surgeon, or mental health provider, shall advise the parent, guardian, or custodian of the child to
49 be directly involved in the child's evaluation or treatment and participate in medical, psychiatric,
50 psychological, or other evaluation or treatment of the child if it is determined to be in the best

1 interests of the child. The cost of the evaluation or treatment shall be paid pursuant to
2 G.S. 7B-2502.

3 (c) The juvenile court counselor may recommend the parent, guardian, or custodian of
4 the child to undergo psychiatric, psychological, or other evaluation or treatment or counseling
5 with written orders or recommendations from a qualified mental or physical health provider
6 directed toward remedying behaviors or conditions that led to or contributed to the child's receipt
7 of a Child Consultation.

8 (d) With written orders or recommendations from a qualified mental or physical health
9 provider, the juvenile court counselor may recommend the parent, guardian, or custodian of the
10 child to seek funding through the Division of Juvenile Justice and/or the local management entity
11 and managed care organization that serves the catchment area to pay the cost of any evaluation
12 or treatment recommended for the parent, guardian, or custodian of the child.

13 **"§ 7B-3408. Compliance with recommendations of the juvenile court counselor for children**
14 **under 10 years of age.**

15 (a) The juvenile court counselor may assist the parent, guardian, or custodian of a child
16 under the age of 10, to the extent that person is able to do so, with transportation for a child and/or
17 parent, guardian, or custodian of the child to keep an appointment or to comply with the
18 recommendations of the juvenile court counselor.

19 (b) If the parent, guardian, or custodian of the child fails to comply with the
20 recommendations of the juvenile court counselor, the juvenile court counselor may file a petition
21 alleging the parent, guardian, or custodian to be in noncompliance with the Child Consultation
22 recommendations. The petition shall contain the name, date of birth, and address of the parent,
23 guardian, or custodian; the name and address of the child; and allege the facts that invoke
24 jurisdiction over the parent, guardian, or custodian for noncompliance with the Child
25 Consultation recommendations. The petition shall be entitled "In Re (last name of parent,
26 guardian, or custodian)" and shall be signed by the juvenile court counselor and verified before
27 an official authorized to administer oaths. Sufficient copies of the petition shall be prepared so
28 that copies will be available for the parent, guardian, or custodian, for the juvenile court
29 counselor, for the prosecutor, and for any person determined by the court to be a necessary party.
30 A summons shall be issued and served pursuant to G.S. 7B-1805 and G.S. 7B-1806. The clerk
31 shall provide notice of any hearing on the petition as provided in G.S. 7B-1807.

32 (c) In all cases in which the juvenile court counselor is working with a child under the
33 age of 10 and the parent, guardian, or custodian of the juvenile, the juvenile court counselor shall
34 work collaboratively with the parent, guardian, custodian of the child, the Department of Social
35 Services, the local management entity or managed care organization, the local education
36 authority, and all other community stakeholders involved with the child and family. This will be
37 identified as the Child and Family Team, and all local community agencies involved with the
38 child and family shall be invited to all meetings scheduled with the child and parent, guardian,
39 or custodian of the child.

40 **"§ 7B-3409. Hearing on noncompliance with Child Consultation recommendations.**

41 (a) A hearing on a petition filed against a parent, guardian, or custodian pursuant to
42 G.S. 7B-2804(b) shall be held within 30 days of the filing of the petition in the judicial district
43 in which the parent resides.

44 (b) The court shall receive testimony and shall allow the parent, guardian, or custodian
45 an opportunity to introduce evidence, to be heard on their own behalf, and to examine witnesses.
46 The State shall bear the burden to prove the allegations of noncompliance by the greater weight
47 of the evidence. The hearing may be informal, and the court shall not be bound by the usual rules
48 of evidence. The parent, guardian, or custodian has the right to represent themselves or obtain
49 the services of an attorney at their own expense.

50 (c) If the court, after notice and a hearing, finds by the greater weight of the evidence that
51 the parent, guardian, or custodian has failed to comply with the Child Consultation

1 recommendations of the juvenile court counselor, the court may order the parent to comply with
 2 any recommendations or services authorized by this Article. The order shall be in writing and
 3 shall contain appropriate findings of fact and conclusions of law.

4 **"§ 7B-3410. Employment discrimination unlawful.**

5 No employer may discharge, demote, or deny a promotion or other benefit of employment to
 6 any employee because the employee complies with the provisions of this Article. The
 7 Commissioner of Labor shall enforce the provisions of this section according to Article 21 of
 8 Chapter 95 of the General Statutes, including the rules and regulations issued pursuant to that
 9 Article.

10 **"§ 7B-3411. Contempt for failure to comply.**

11 Upon motion of the juvenile court counselor or prosecutor or upon the court's own motion,
 12 the court may issue an order directing the parent, guardian, or custodian to appear and show cause
 13 why the parent, guardian, or custodian should not be found or held in civil or criminal contempt
 14 for willfully failing to comply with an order of the court issued pursuant to G.S. 7B-3409(c).
 15 Chapter 5A of the General Statutes shall govern contempt proceedings initiated pursuant to this
 16 Article. Counsel for the parent, guardian, or custodian shall be appointed by the rules adopted by
 17 the Office of Indigent Defense Services, unless counsel is otherwise retained."

18 **SECTION 5.(l)** G.S. 143B-805 reads as rewritten:

19 "Subpart B. General Provisions.

20 **"§ 143B-805. Definitions.**

21 ...

22 (3) County Councils. – Juvenile Crime Prevention Councils created under
 23 G.S. 143B-846.

24 ~~(4)~~(4a) Court. – The district court division of the General Court of Justice.

25 (4b) Consultation complaint. – A complaint made against any child while less than
 26 10 years of age but at least 6 years of age, alleged to have committed an
 27 offense that would be considered a delinquent offense if committed by a
 28 juvenile over the age of 10. These children shall be served by a juvenile court
 29 counselor as a Child Consultation.

30 (5) Custodian. – The person or agency that has been awarded legal custody of a
 31 juvenile by a court.

32 (6) Delinquent juvenile. –
 33 a. Any juvenile who, while less than 16 years of age but at least ~~6~~10
 34 years of age, commits a crime or infraction under State law or under
 35 an ordinance of local government, including violation of the motor
 36 vehicle laws, or who commits indirect contempt by a juvenile as
 37 defined in G.S. 5A-31.
 38 b. Any juvenile who, while less than 18 years of age but at least 16 years
 39 of age, commits a crime or an infraction under State law or under an
 40 ordinance of local government, excluding all violations of the motor
 41 vehicle laws under Chapter 20 of the General Statutes, or who commits
 42 indirect contempt by a juvenile as defined in G.S. 5A-31.

43"

44 **SECTION 5.(m)** G.S. 143B-806 reads as rewritten:

45 **"§ 143B-806. Duties and powers of the Juvenile Justice Section of the Division of Adult**
 46 **Correction and Juvenile Justice of the Department of Public Safety.**

47 (a) Repealed by Session Laws 2013-289, s. 5, effective July 18, 2013.

48 (b) In addition to its other duties, the Juvenile Justice Section of the Division of Adult
 49 Correction and Juvenile Justice shall have the following powers and duties:

- 1 (1) Give leadership to the implementation as appropriate of State policy that
2 requires that youth development centers be phased out as populations
3 diminish.
- 4 (2) Close a State youth development center when its operation is no longer
5 justified and transfer State funds appropriated for the operation of that youth
6 development center to fund community-based programs, to purchase care or
7 services for predelinquents, delinquents, or status offenders in
8 community-based or other appropriate programs, or to improve the efficiency
9 of existing youth development centers, after consultation with the Joint
10 Legislative Commission on Governmental Operations.
- 11 (3) Administer a sound admission or intake program for juvenile facilities,
12 including the requirement of a careful evaluation of the needs of each juvenile
13 prior to acceptance and placement.
- 14 (4) Operate juvenile facilities and implement programs that meet the needs of
15 juveniles receiving services and that assist them to become productive,
16 responsible citizens.
- 17 (5) Adopt rules to implement this Part and the responsibilities of the Secretary
18 and the Division under Chapter 7B of the General Statutes. The Secretary may
19 adopt rules applicable to local human services agencies providing juvenile
20 court and delinquency prevention services for the purpose of program
21 evaluation, fiscal audits, and collection of third-party payments.
- 22 (6) Ensure a statewide and uniform system of juvenile intake, protective
23 supervision, probation, and post-release supervision services in all district
24 court districts of the State. The system shall provide appropriate, adequate,
25 and uniform services to all juveniles who are alleged or found to be
26 undisciplined or delinquent.
- 27 (7) Establish procedures for substance abuse testing for juveniles adjudicated
28 delinquent for substance abuse offenses.
- 29 (8) Plan, develop, and coordinate comprehensive multidisciplinary services and
30 programs statewide for the prevention of juvenile delinquency, early
31 intervention, and rehabilitation of ~~juveniles~~ juveniles, including, but not
32 limited to, services for children under the age of 10 who engage in acts that
33 would constitute juvenile delinquency had they reached age 10 or older.

34"

35 **SECTION 5.(n)** G.S. 143B-811 reads as rewritten:

36 "**§ 143B-811. Annual evaluation of intensive intervention services.**

37 The Department of Public Safety shall conduct an annual evaluation of intensive intervention
38 services. Intensive intervention services are evidence-based or research-supported
39 community-based or residential services that are necessary for a juvenile in order to (i) prevent
40 the juvenile's commitment to a youth development center or detention facility or (ii) facilitate the
41 juvenile's successful return to the community following ~~commitment~~ commitment or (iii)
42 prevent deeper involvement in the juvenile justice system. In conducting the evaluation, the
43 Department shall consider whether participation in intensive intervention services results in a
44 diversion from or reduction of court involvement among juveniles. The Department shall also
45 determine whether the programs are achieving the goals and objectives of the Juvenile Justice
46 Reform Act, S.L. 1998-202.

47 The Department shall report the results of the evaluation to the Chairs of the Joint Legislative
48 Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of
49 Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each
50 year."

51 **SECTION 5.(o)** G.S. 143B-831 reads as rewritten:

"§ 143B-831. Duties and powers of juvenile court counselors.

...

~~(17)~~(17a) Screen and evaluate a complaint alleging that a juvenile is delinquent or undisciplined to determine whether the complaint should be filed as a petition.

(17b) Provide and coordinate multidisciplinary service referrals for the prevention of juvenile delinquency and early intervention for juveniles, including, but not limited to, children under the age of 10 who engage in acts that would constitute juvenile delinquency had they reached age 10 or older. If the juvenile court counselor has cause to suspect that a child under the age of 10 who is receiving services pursuant to this subsection is abused, neglected, or dependent, the juvenile court counselor shall make a report to the director of social services as required by G.S. 7B-308.1. If the juvenile court counselor has cause to suspect that a juvenile age 10 or older who is receiving services pursuant to this subsection is abused, neglected, or dependent, the juvenile court counselor shall make a report to the director of social services as required by G.S. 7B-1700.1.

...."

SECTION 5.(p) G.S. 143B-851 reads as rewritten:**"§ 143B-851. Powers and duties.**

(a) Each County Council shall review biennially the needs of juveniles in the county who are at risk of ~~delinquency~~ delinquency, including, but not limited to, youth who are under the age of 10 who engage in acts that would constitute juvenile delinquency had they reached the age of 10 or older, or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. In particular, each County Council shall assess the needs of juveniles in the county who are at risk or who have been associated with gangs or gang activity, and the local resources that are established to address those needs. The Council shall develop and advertise a request for proposal process and submit a written plan of action for the expenditure of juvenile sanction and prevention funds to the board of county commissioners for its approval. Upon the county's authorization, the plan shall be submitted to the Section for final approval and subsequent implementation.

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

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

(1) Assess the needs of juveniles and youth at risk of delinquency, including, but not limited to, youth who are under the age of 10 who engage in acts that would constitute juvenile delinquency had they reached the age of 10 or older, in the community, evaluate the adequacy of resources available to meet those needs, and develop or propose ways to address unmet needs.

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

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

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

(5) Provide funds for services for treatment, counseling, or rehabilitation for juveniles and youth at risk for juvenile delinquency and their families. These services may include court-ordered parenting responsibility classes.

- 1 (6) Plan for the establishment of a permanent funding stream for delinquency
2 prevention services.
- 3 (7) Develop strategies to intervene and appropriately respond to the needs of
4 juveniles who have been associated with gang activity or who are at risk of
5 becoming associated with gang activity.
- 6 (d) The Councils may examine the benefits of joint program development between
7 counties and judicial districts."

8 **SECTION 5.(q)** G.S. 143B-853 reads as rewritten:

9 **"§ 143B-853. Funding for programs.**

10 (a) Annually, the Division of Adult Correction and Juvenile Justice shall develop and
11 implement a funding mechanism for programs that meet the standards developed under this
12 Subpart. The Division shall ensure that the guidelines for the State and local partnership's funding
13 process include the following requirements:

- 14 (1) Fund effective programs. – The Division shall fund programs that it
15 determines to be effective in preventing delinquency and recidivism.
16 Programs that have proven to be ineffective shall not be funded.
- 17 (2) Use a formula for the distribution of funds. – A funding formula shall be
18 developed that ensures that even the smallest counties will be able to provide
19 the basic prevention and alternative services to juveniles in their communities.
- 20 (3) Allow and encourage local flexibility. – A vital component of the State and
21 local partnership established by this section is local flexibility to determine
22 how best to allocate prevention and alternative funds.
- 23 (4) Combine resources. – Counties shall be allowed and encouraged to combine
24 resources and services.
- 25 (5) Allow for a two-year funding cycle. – In the discretion of the Division, awards
26 may be provided in amounts that fund two years of services for programs that
27 meet the requirements of this section and have been awarded funds in a prior
28 funding cycle.

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

32 (c) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice
33 of the Department of Public Safety shall report to the Senate and House of Representatives
34 Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and
35 annually thereafter, on the results of intensive intervention services. Intensive intervention
36 services are evidence-based or research-supported community-based or residential services that
37 are necessary for a juvenile in order to (i) prevent the juvenile's commitment to a youth
38 development center or detention facility or (ii) facilitate the juvenile's successful return to the
39 community following ~~commitment~~ commitment or (iii) prevent deeper involvement in the
40 juvenile justice system. Specifically, the report shall provide a detailed description of each
41 intensive intervention service, including the numbers of juveniles served, their adjudication status
42 at the time of service, the services and treatments provided, the length of service, the total cost
43 per juvenile, and the six- and 12-month recidivism rates for the juveniles after the termination of
44 program services."

45
46 **PART VI. EFFECTIVE DATE**

47 **SECTION 6.** This act becomes effective December 1, 2021, and applies to offenses
48 committed on or after that date.