

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

H

1

HOUSE BILL 145

Short Title: Charge Minor/Tell Parent.

(Public)

Sponsors: Representatives Jarrell; Bowie, Jeffus, Gist, and Burton.

Referred to: Judiciary III.

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE PARENT, GUARDIAN, OR NEXT OF KIN OF  
A MINOR WHO IS CHARGED BY A LAW ENFORCEMENT OFFICER SHALL  
BE NOTIFIED IMMEDIATELY OF THE CHARGE BY THE LAW  
ENFORCEMENT OFFICER MAKING THE CHARGE AND TO AMEND THE  
LAW REGARDING THE CONCEALMENT OF MERCHANDISE IN  
MERCANTILE ESTABLISHMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-505 reads as rewritten:

**"§ 15A-505. Notification of minor's parent.**

(a) A law-enforcement officer who charges a minor with a criminal offense ~~must, without unnecessary delay, make a reasonable effort to inform or cause to be informed a parent or guardian of the minor of the charge.~~ shall notify the minor's parent or guardian of the charge, as soon as practicable, in person or by telephone. If the minor is taken into custody, the law enforcement officer or the officer's immediate superior shall notify a parent or guardian in writing that the minor is in custody within 24 hours of the minor's arrest. If the parent or guardian of the minor cannot be found, then the officer or the officer's immediate superior shall notify the minor's next of kin of the minor's arrest as soon as practicable.

(b) ~~This notice is not required if:~~ The notification provided for by subsection (a) of this section shall not be required if:

(1) The minor is ~~emancipated;~~ or emancipated;

(2) The minor has been charged with a motor vehicle moving violation for which three or fewer points are assessed under G.S. 20-16(c), except

1 an offense involving impaired driving, as defined in G.S. 20-  
2 4.01(24a); or

3 (3) The minor has been charged with a motor vehicle offense that is not a  
4 moving violation.

5 (c) Any law enforcement officer who fails to make diligent efforts to notify a  
6 minor's parent, guardian, or next of kin as provided by this section shall be subject to  
7 disciplinary action."

8 Sec. 2. G.S. 14-72.1(c) reads as rewritten:

9 "(c) A merchant, or ~~his~~ the merchant's agent or employee, or a peace officer who  
10 detains or causes the arrest of any person shall not be held civilly liable for detention,  
11 malicious prosecution, false imprisonment, or false arrest of the person detained or  
12 arrested, where such detention is in a reasonable manner for a reasonable length of time,  
13 if in detaining or in causing the arrest of such person, the merchant, or ~~his~~ the merchant's  
14 agent or employee, or the peace officer had at the time of the detention or arrest  
15 probable cause to believe that the person committed the offense created by this section.  
16 If the person being detained by the merchant, or ~~his~~ the merchant's agent or employee, is  
17 a ~~minor 16 years of age or younger, minor,~~ minor, the merchant or ~~his~~ the merchant's agent or  
18 employee, shall call or notify, or make a reasonable effort to call or notify the parent or  
19 guardian of the minor, during the period of detention. A merchant, or the merchant's  
20 agent or employee, shall not be held civilly liable for failing to notify the parent or  
21 guardian of the minor."

22 Sec. 3. This act becomes effective January 1, 1995, and applies to offenses  
23 occurring on or after that date.