GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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HOUSE BILL 1083 Committee Substitute Favorable 4/18/01

| Short Title: | Secure Custody of Juveniles Using Weapons. | (Public) |
|--|---|-----------------------------|
| Sponsors: | | |
| Referred to: | | |
| April 11, 2001 | | |
| A BILL TO BE ENTITLED | | |
| AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A | | |
| JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE | | |
| ALLEGEI | DLY COMMITTED A MISDEMEANOR OFFENSE IN | VOLVING A |
| WEAPON | • | |
| The General A | Assembly of North Carolina enacts: | |
| | CTION 1. G.S. 7B-1903(b) reads as rewritten: | |
| "(b) Wh | en a request is made for secure custody, the court may | order secure |
| custody only where the court finds there is a reasonable factual basis to believe that the | | |
| juvenile committed the offense as alleged in the petition, and that one of the following | | |
| circumstances exists: | | |
| (1) | The juvenile is charged with a felony and has demons | trated that the |
| | juvenile is a danger to property or persons. | |
| (2) | The juvenile is charged with a misdemeanor at least of | ne element of |
| | which is assault on a person and has demonstrated that the | 1e juvenile is a |
| | danger to persons. The juvenile has demonstrated that the | <u>ie juvenile is a</u> |
| | danger to persons and is charged with either (i) a misder | neanor at least |
| | one element of which is assault on a person or (ii) a m | isdemeanor in |
| | which the juvenile used or displayed, or threatened to us | se or display, a |
| | <u>firearm or other deadly weapon.</u> | |
| (3) | The juvenile has willfully failed to appear on a pendin | |
| | charge or on charges of violation of probation o | r post-release |
| | supervision, providing the juvenile was properly notified | |
| (4) | A delinquency charge is pending against the juvenile | |
| | reasonable cause to believe the juvenile will not appear in | |
| (5) | The juvenile is an absconder from (i) any residential fa | |
| | by the Department or any detention facility in this Sta | ate or (ii) any |
| | comparable facility in another state. | |

- (6) There is reasonable cause to believe the juvenile should be detained for the juvenile's own protection because the juvenile has recently suffered or attempted self-inflicted physical injury. In such case, the juvenile must have been refused admission by one appropriate hospital, and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization. If the juvenile is placed in secure custody, the juvenile shall receive continuous supervision and a physician shall be notified immediately.
- (7) The juvenile is alleged to be undisciplined by virtue of the juvenile's being a runaway and is inappropriate for nonsecure custody placement or refuses nonsecure custody, and the court finds that the juvenile needs secure custody for up to 24 hours, excluding Saturdays, Sundays, and State holidays, or where circumstances require, for a period not to exceed 72 hours to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with the juvenile's parents, guardian, or custodian.
- (8) The juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice; the juvenile shall be brought to court as soon as possible and in no event should be held more than 24 hours, excluding Saturdays, Sundays, and State holidays or where circumstances require for a period not to exceed 72 hours."

SECTION 2. This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.