

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 5, 2017

After the previous two weeks during which there was a "storm" of activity before the April 27th "crossover" deadline, this week has literally been the "calm after the storm." On Wednesday, the General Assembly, in joint session, honored the basketball team of The University of North Carolina at Chapel Hill for winning the 2017 NCAA Championship.

Only a handful of committee meetings were scheduled, most of them were canceled, and only a couple were held. No legislation was scheduled for consideration by the full House or the full Senate other than to honor the Tar Heels.

Although there was not much public activity at the legislature this week, the Senate appropriations leadership was very busy behind closed doors crafting the Senate's initial version of the State budget bill. It is anticipated that the Senate's proposed budget bill will be released next week, be quickly approved and then sent to the House. Then, for the next month or so, the House will work towards putting together its own version of the State budget bill, which is expected to be somewhat different than the Senate's version. Then they will spend a few weeks reconciling the differences between the two versions, with a goal of getting a budget adopted in late June prior to the beginning of the new fiscal year on July 1st.

The House and Senate are scheduled to return to Raleigh on Monday.

BILL STATUS

House Bill 280, Juvenile Justice Reinvestment Act, is the bill that would raise the juvenile age from 16 to 18 for criminal law violations. It has been reported that this bill will be considered in the House Judiciary I Committee next Wednesday. There is likely to be a Proposed Committee Substitute (PCS) which will be a rewrite of the original bill that was introduced. Whether the PCS will have only minor changes or major changes remains to be seen.

We are hopeful that the PCS considered in committee next Wednesday will include all of the improvements in the current juvenile justice system that were recommended by the North Carolina Sheriffs' Association and others and that were included in the report from Chief Justice Mark Martin's North Carolina Commission on the Administration of Law and Justice. Those key provisions are:

- (1) Maintaining the existing procedure in G.S. 7B-2200 to transfer juveniles to adult criminal court, except that Class A through E felony charges against 16- and 17-year olds will be automatically transferred to superior court after a finding of probable cause or by indictment.
- (2) Amending G.S. 7B-3000(b) to provide that the juvenile court counselor must, upon request, disclose to a sworn North Carolina law enforcement officer information about a juvenile's record and prior law enforcement consultations with a juvenile court counselor about the juvenile, for the limited purpose of assisting the officer in exercising his or her discretion about how to handle an incident being investigated by the officer which could result in the filing of a complaint.
- (3) Requiring the Division of Juvenile Justice to (a) track all consultations with law enforcement officers about a juvenile and (b) provide more information to complainants and victims about dismissed, closed, and diverted complaints.
- (4) Amending G.S. 7B-1704 to provide that the victim has a right to seek review by the prosecutor of a juvenile court counselor's decision not to approve the filing of a petition.
- (5) Improving computer systems to give the prosecutor and the juvenile's attorney electronic access to an individual's juvenile delinquency record statewide.
- (6) Full funding to implement the recommended changes.

Regarding the "full funding" provision, the Chief Justice's Commission said:

This last contingency bears special emphasis: The stakeholders are unanimous in the view that full funding must be provided to implement these recommendations and that an unfunded or partially unfunded mandate to raise the age will be detrimental to the court system and community safety.

If the legislation being considered next week includes the recommended changes in the Juvenile Justice System and includes full funding, it will be a well-balanced legislative bill. Without full funding, it was best described by the Chief Justice's Commission who said: "*an unfunded or partially unfunded mandate to raise the age will be detrimental to the court system and community safety.*"

The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

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