

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 303

Short Title: Strengthen Juvenile Laws. (Public)

Sponsors: Senators Britt, Sanderson, and McInnis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 14, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE DEFINITION OF DELINQUENT  
3 JUVENILE, TO MODIFY THE TRANSFER PROCESS FOR JUVENILES CHARGED  
4 WITH CERTAIN FELONIES, AND TO MODIFY THE CONFIDENTIALITY OF  
5 CERTAIN INFORMATION CONCERNING JUVENILES UNDER INVESTIGATION.

6 The General Assembly of North Carolina enacts:

7 SECTION 1.(a) G.S. 7B-1501 reads as rewritten:  
8 "§ 7B-1501. Definitions.

9 In this Subchapter, unless the context clearly requires otherwise, the following words have  
10 the listed meanings. The singular includes the plural, unless otherwise specified:

11 ...

12 (7) Delinquent juvenile. –

- 13 a. Any juvenile who, while less than 16 years of age but at least 10 years  
14 of age, commits a crime or infraction under State law or under an  
15 ordinance of local government, including violation of the motor  
16 vehicle laws, or who commits indirect contempt by a juvenile as  
17 defined in G.S. 5A-31.
- 18 b. Any juvenile who, while less than 18 years of age but at least 16 years  
19 of age, commits indirect contempt by a juvenile, as defined in  
20 G.S. 5A-31, or who commits a crime or an infraction under State law  
21 or under an ordinance of local government, excluding all of the  
22 following:
- 23 1. Any offense constituting a Class A, B1, B2, or C felony, and  
24 any related offense based on the same act or transaction or a  
25 series of acts or transactions connected together or constituting  
26 parts of a single scheme or plan of that felony, and any greater  
27 or lesser included offense of that felony.
- 28 2. Any firearm-related felony, as defined in G.S. 14-7.35. For  
29 purposes of this sub-subdivision, the term "firearm" is as  
30 defined in G.S. 14-409.39.
- 31 3. All violations of the motor vehicle laws under Chapter 20 of  
32 the General Statutes, or who commits indirect contempt by a  
33 juvenile as defined in G.S. 5A-31.Statutes.
- 34 c. Any juvenile who, while less than 10 years of age but at least 8 years  
35 of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State  
36 law.



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- 1 d. Any juvenile who, while less than 10 years of age but at least 8 years  
2 of age, commits a crime or an infraction under State law or under an  
3 ordinance of local government, including violation of the motor  
4 vehicle laws, and has been previously adjudicated delinquent."

5 **SECTION 1.(b)** G.S. 7B-2200.5 reads as rewritten:

6 **"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.**

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

- 12 (1) Notice to the juvenile and a finding by the court that a bill of indictment has  
13 been returned against the juvenile charging the commission of an offense that  
14 constitutes a ~~Class A, B1, B2, C, Class D~~, E, F, or G felony if committed by  
15 an adult.  
16 (2) Notice, hearing, and a finding of probable cause that the juvenile committed  
17 an offense that constitutes a ~~Class A, B1, B2, C, Class D~~, E, F, or G felony if  
18 committed by an adult.

19 ...

20 (e) If the juvenile was 16 years of age or older at the time the juvenile allegedly  
21 committed a firearm-related felony, as defined in G.S. 14-7.35, and in district court, then upon  
22 joint motion of the prosecutor and the juvenile's attorney, the district court shall remand the case  
23 to juvenile court. After a preliminary inquiry in accordance with G.S. 7B-1701, a complaint  
24 remanded under this subsection shall cause the juvenile court counselor to file a petition in  
25 juvenile court. The juvenile court counselor may request assistance from the prosecutor if  
26 necessary. If a juvenile court counselor does not approve the filing of a petition, the complainant  
27 and the victim may request review of the complaint by a prosecutor in accordance with  
28 G.S. 7B-1704. The district court shall expunge the record in accordance with G.S. 15A-145.8 at  
29 the time of the remand and, if the juvenile meets the criteria established in G.S. 7B-1903, may  
30 issue an order for secure custody upon the request of the prosecutor. The prosecutor shall provide  
31 a copy of any secure custody order issued to the chief court counselor, or his or her designee, as  
32 soon as possible and no more than 24 hours after the order is issued. A juvenile charged with a  
33 violation of the motor vehicle laws under Chapter 20 of the General Statutes shall not be subject  
34 to remand under this subsection.

35 (f) Juveniles charged with firearm-related felonies, as defined in G.S. 14-7.35, shall not  
36 be subject to this section if they are charged as Class D, E, F, G, H, or I felonies if committed by  
37 an adult."

38 **SECTION 1.(c)** G.S. 15A-145.8 reads as rewritten:

39 **"§ 15A-145.8. Expunction of records when charges are remanded to district court or**  
40 **juvenile court for juvenile adjudication.**

41 (a) Upon remand pursuant to ~~G.S. 7B-2200.5(d)~~, G.S. 7B-2200.5(d) or  
42 G.S. 7B-2200.5(e), the court shall order expunction of all remanded charges. No person as to  
43 whom such an order has been entered shall be held thereafter under any provision of any law to  
44 be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any  
45 inquiry made for any purpose, by reason of his or her failure to recite or acknowledge any  
46 expunged entries concerning apprehension or trial.

47 ...."

48 **SECTION 2.(a)** G.S. 7B-3100 reads as rewritten:

49 **"§ 7B-3100. Disclosure of information about juveniles.**

50 ...

1 (b) Disclosure of information concerning any juvenile under investigation, alleged to be  
2 within the jurisdiction of the court, or receiving juvenile consultation services that would reveal  
3 the identity of that juvenile is prohibited except ~~that publication for the following purposes:~~

4 (1) Publication of pictures of runaways is permitted with the permission of the  
5 parents and except as a parent, guardian, custodian, or caretaker, as defined in  
6 G.S. 7B-101.

7 (2) As provided in Article 20A of this Chapter and G.S. 7B-3102.

8 (3) Publication of pictures, name, and identifying information of juveniles for  
9 suspect identification and apprehension when the juvenile is under  
10 investigation for commission of an offense that subjects a juvenile to transfer  
11 to superior court for prosecution under G.S. 7B-2200 or G.S. 7B-2200.5.

12 (c) The juvenile's guardian ad litem attorney advocate appointed pursuant to G.S. 7B-601  
13 may share confidential information about the juvenile with the juvenile's attorney appointed or  
14 retained pursuant to G.S. 7B-2000."

15 **SECTION 2.(b)** G.S. 7B-2101 reads as rewritten:

16 **"§ 7B-2101. Interrogation procedures.**

17 (a) Any juvenile in custody must be advised prior to questioning:

18 (1) That the juvenile has a right to remain silent;

19 (2) That any statement the juvenile does make can be and may be used against the  
20 juvenile;

21 (3) That the juvenile has a right to have a parent, guardian, ~~or custodian~~ custodian,  
22 or caretaker present during questioning; and

23 (4) That the juvenile has a right to consult with an attorney and that one will be  
24 appointed for the juvenile if the juvenile is not represented and wants  
25 representation.

26 (b) When the juvenile is less than 16 years of age, no in-custody admission or confession  
27 resulting from interrogation may be admitted into evidence unless the confession or admission  
28 was made in the presence of the juvenile's parent, guardian, custodian, caretaker, or attorney. If  
29 an attorney is not present, the parent, guardian, ~~or custodian~~ custodian, or caretaker as well as the  
30 juvenile must be advised of the juvenile's rights as set out in subsection (a) of this section;  
31 however, a parent, guardian, ~~or custodian~~ custodian, or caretaker may not waive any right on  
32 behalf of the juvenile.

33 ...."

34 **SECTION 3.** Section 2 of this act is effective when it becomes law. The remainder  
35 of this act becomes effective December 1, 2023, and applies to offenses committed on or after  
36 that date.