

15.10 Transfer Authority of Governor from Jail or Prison to Division

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The governor has the authority to order a person who is less than 18 years of age who is being held in a jail or penal facility of the State to be transferred to a residential facility operated by the Division. This must be done in consultation with the Division regarding the appropriateness of the transfer in terms of available space, staff, and suitability of programs for the juvenile. G.S. 7B-2517.

Although this provision does not apply to a juvenile delinquency case, it may be applicable to a case transferred from juvenile court to superior court. A juvenile who is transferred to superior court and convicted may request that the governor order a transfer from the jail or prison to a youth development center for confinement. There are no guidelines set forth in the statute, but special needs, immaturity, suitability of Division programs, and danger from the prison population are examples of issues that the attorney should consider when making an application to the governor requesting transfer. Under G.S. 7B-2517, the Division has discretion to release the juvenile after transfer based on the needs of the juvenile and the best interests of the State.