

# Chapter 19

## Raise the Age Legislation

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### 19.1 Overview

In June 2017, the General Assembly enacted the Juvenile Justice Reinvestment Act, which raised the age of criminal responsibility to 18. The Act ends the century-long practice of prosecuting 16 and 17-year-olds in criminal court. As a result of this change, there are no jurisdictions in the country that automatically prosecute juveniles as young as 16 years old in criminal court.

The Act does not completely eliminate prosecution of juveniles as adults. For example, under the Act, 16 and 17-year-olds charged with motor vehicle offenses must still be prosecuted in criminal court. Similarly, transfer to superior court is mandatory for any case involving a Class A through G felony committed by a 16 or 17-year-old in which an indictment has been filed or a juvenile court judge has found probable cause.

Some of the changes required by the Act take effect in 2017, described below. Most of the changes, however, do not take effect until December 1, 2019. Whether those changes apply to individual juveniles depends on the offense date in the case. Thus, a 16 or 17-year-old charged with a crime in 2018 could not hold the case open until December 1, 2019, in order to be prosecuted in juvenile court. If a crime was committed by a 16 or 17-year old before December 1, 2019, the juvenile would still be prosecuted in criminal court. If the offense date is on or after December 1, 2019, the new provisions apply. For a discussion of those changes, see LaToya Powell, [2017 Juvenile Justice Reinvestment Act](#).

### 19.2 Changes Effective in 2017

#### **A. Effective October 1, 2017 and Applicable to Complaints Filed on or after that Date**

**Victim's rights.** Before enactment of the Juvenile Justice Reinvestment Act, a juvenile court counselor was only required to provide written notification of a decision not to file

a complaint as a juvenile petition to the complainant, who was typically a law enforcement officer. The Act now requires the court counselor to notify both the complainant and the alleged victim of this decision and to inform complainants and victims of their right to request review by a prosecutor of the decision. The Act also requires prosecutors to hold conferences with the complainant, court counselor, and victim about filing a petition. Previously, the prosecutor was only required to hold conferences with the complainant and the court counselor.

#### **B. Effective October 1, 2017**

**Law enforcement access to information.** The juvenile court counselor's record for juveniles must include the juvenile's delinquency record as well as consultations with law enforcement officers that do not result in the filing of a complaint. A consultation occurs, for example, when an officer refers a juvenile to the Division of Adult Correction and Juvenile Justice, but the juvenile is released without further action.

If a law enforcement officer is investigating an incident that could result in the filing of a complaint and requests information about a juvenile, the court counselor must share information related to prior law enforcement consultations regarding the juvenile and the juvenile's delinquency record. The officer may not obtain copies of juvenile records and must maintain the confidentiality of any information received.

#### **C. Effective July 1, 2017**

**Electronic records.** By July 1, 2018, the Administrative Office of the Courts (AOC) must expand access to the electronic records management system for juvenile courts, JWisE, to include prosecutors and juvenile defense attorneys. Prosecutors and juvenile defense attorneys may only be permitted to access electronic records involving juvenile delinquency and not any records pertaining to cases involving abuse, neglect, and dependency or termination of parental rights. The AOC must also modify JWisE so that users may access juvenile records from across the state and not solely juvenile records from individual counties.

**School-justice partnerships to reduce school-based referrals to juvenile courts.** The General Assembly enacted a new statute, G.S. 7A-343, that authorizes the Director of the AOC to develop plans for chief district court judges to establish partnerships with local law enforcement agencies, local boards of education, and local school administrative units. Any school-justice partnerships created under the plans must operate with the goal of reducing in-school arrests, out-of-school suspensions, and expulsions.

**Juvenile Jurisdiction Advisory Committee.** In light of the changes enacted by the Juvenile Justice Reinvestment Act, the General Assembly established a 21-member Juvenile Jurisdiction Advisory Committee to develop a plan for implementation of the Act. The committee will be comprised of stakeholders in the juvenile justice system, including court counselors, judges, prosecutors, juvenile defense attorneys, and victim advocates. The committee will be located in the Division of Adult Correction and

Juvenile Justice and must submit periodic reports to the General Assembly until January 15, 2023.

**Juvenile justice training for law enforcement officers.** The minimum standards for entry-level employment for law enforcement officers must now include: (1) handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (2) best practices for handling incidents involving juveniles; (3) adolescent development and psychology; and (4) promoting relationship building with youth as a key to delinquency prevention.