

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 702

Short Title: Modify Juvenile Crime Prevention Councils. (Public)

Sponsors: Representatives R. Turner, Jarvis, and Pierce (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN MODIFICATIONS TO THE GENERAL STATUTES
3 RELATED TO JUVENILE CRIME PREVENTION COUNCILS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143B-811 reads as rewritten:

6 "**§ 143B-811. Annual evaluation of ~~community programs and multiple purpose group~~**
7 **homes.intensive intervention services.**

8 The Department of Public Safety shall conduct an annual evaluation of ~~the community~~
9 ~~programs and of multipurpose group homes.intensive~~ intervention services. Intensive
10 intervention services are evidence-based or research-supported community-based or residential
11 services that are necessary for a juvenile, in order to (i) prevent the juvenile's commitment to a
12 youth development center or detention facility or (ii) facilitate the juvenile's successful return to
13 the community following commitment. In conducting the ~~evaluation of each of these,evaluation,~~
14 the Department shall consider whether participation in ~~each program~~intensive intervention
15 services results in a reduction of court involvement among juveniles. The Department shall also
16 determine whether the programs are achieving the goals and objectives of the Juvenile Justice
17 Reform Act, S.L. 1998-202.

18 The Department shall report the results of the evaluation to the Chairs of the Joint Legislative
19 Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of
20 Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each
21 year."

22 SECTION 2. G.S. 143B-846 reads as rewritten:

23 "**§ 143B-846. Creation; method of appointment; membership; chair and vice-chair.**

24 (a) As a prerequisite for a county receiving funding for juvenile court services and
25 delinquency prevention programs, the board of commissioners of a county shall appoint a
26 Juvenile Crime Prevention Council. Each County Council is a continuation of the corresponding
27 Council created under G.S. 147-33.61. The County Council shall consist of not more than 26
28 members and should include, if possible, the following:

- 29 (1) The local school superintendent, or that person's ~~designee;designee.~~
- 30 (2) A chief of police in the ~~county;county,~~ or the appointed chief's designee.
- 31 (3) The local sheriff, or that person's ~~designee;designee.~~
- 32 (4) The district attorney, or that person's ~~designee;designee.~~
- 33 (5) The chief court counselor, or that person's ~~designee;designee.~~



- 1 (6) The director of the area ~~mental health, developmental disabilities, and~~
2 ~~substance abuse authority, Local Management Entity/Managed Care~~
3 ~~Organization LME/MCO~~ or that person's ~~designee;designee.~~
4 (7) The director of the county department of social services, or consolidated
5 human services agency, or that person's ~~designee;designee.~~
6 (8) The county manager, or that person's ~~designee;designee.~~
7 (9) A substance abuse ~~professional;professional.~~
8 (10) A member of the faith ~~community;community.~~
9 (11) A county ~~commissioner;commissioner.~~
10 (12) Two persons under the age of ~~18 years, one of whom is a member of the State~~
11 ~~Youth Council; 21 years, or one person under the age of 21 years and one~~
12 ~~member of the public representing the interests of families of at risk juveniles.~~
13 (13) A juvenile defense ~~attorney;attorney.~~
14 (14) The chief district court judge, or a judge designated by the chief district court
15 ~~judge;judge.~~
16 (15) A member of the business ~~community;community.~~
17 (16) The local health director, or that person's ~~designee;designee.~~
18 (17) A representative from the United Way or other nonprofit ~~agency;agency.~~
19 (18) A representative of a local parks and recreation ~~program;and program.~~
20 (19) Up to seven members of the public to be appointed by the board of
21 commissioners of a county.

22 The board of commissioners of a county shall modify the County Council's membership as
23 necessary to ensure that the members reflect the racial and socioeconomic diversity of the
24 community and to minimize potential conflicts of interest by members.

25 (b) Two or more counties may establish a multicounty Juvenile Crime Prevention
26 Council under subsection (a) of this section. The membership shall be representative of each
27 participating county.

28 (c) The members of the County Council shall elect annually the chair and vice-chair."

29 **SECTION 3.** G.S. 143B-849 reads as rewritten:

30 "**§ 143B-849. Meetings; quorum.**

31 County Councils shall meet at least ~~bimonthly,six times per year,~~ or more often if a meeting
32 is called by the chair. A

33 A majority of members constitutes a quorum."

34 **SECTION 4.** G.S. 143B-851 reads as rewritten:

35 "(a) Each County Council shall review ~~annually-biennially~~ the needs of juveniles in the
36 county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent
37 and the resources available to address those needs. In particular, each County Council shall assess
38 the needs of juveniles in the county who are at risk or who have been associated with gangs or
39 gang activity, and the local resources that are established to address those needs. The Council
40 shall develop and advertise a request for proposal process and submit a written plan of action for
41 the expenditure of juvenile sanction and prevention funds to the board of county commissioners
42 for its approval. Upon the county's authorization, the plan shall be submitted to the Section for
43 final approval and subsequent implementation.

44 ...

45 (d) The Councils may examine the benefits of joint program development between
46 counties ~~within the sameand judicial district.districts.~~"

47 **SECTION 5.** G.S. 143B-1104 is recodified as G.S. 143B-853 and reads as rewritten:

48 "**§ 143B-853. Funding for programs.**

49 (a) Annually, the Division of ~~Administration-Adult Correction and Juvenile Justice~~ shall
50 develop and implement a funding mechanism for programs that meet the standards developed
51 under ~~Subpart F of Part 3 of Article 13 of Chapter 143B of the General Statutes-this Subpart.~~ The

1 Division shall ensure that the guidelines for the State and local partnership's funding process
2 include the following requirements:

- 3 (1) Fund effective programs. – The Division shall fund programs that it
4 determines to be effective in preventing delinquency and recidivism.
5 Programs that have proven to be ineffective shall not be funded.
- 6 (2) Use a formula for the distribution of funds. – A funding formula shall be
7 developed that ensures that even the smallest counties will be able to provide
8 the basic prevention and alternative services to juveniles in their communities.
- 9 (3) Allow and encourage local flexibility. – A vital component of the State and
10 local partnership established by this section is local flexibility to determine
11 how best to allocate prevention and alternative funds.
- 12 (4) Combine resources. – Counties shall be allowed and encouraged to combine
13 resources and services.
- 14 (5) Allow for a two-year funding cycle. – In the discretion of the Division, awards
15 may be provided in amounts that fund two years of services for programs that
16 meet the requirements of this section and have been awarded funds in a prior
17 funding cycle.

18 (b) The Division shall adopt rules to implement this section. The Division shall provide
19 technical assistance to County Councils and shall require them to evaluate all State-funded
20 programs and services on an ongoing and regular basis.

21 (c) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice
22 of the Department of Public Safety shall report to the Senate and House of Representatives
23 Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and
24 annually thereafter, on the results of ~~the alternatives to commitment demonstration programs~~
25 ~~funded by Section 16.7 of S.L. 2004-124. The 2007 report and all annual reports thereafter shall~~
26 ~~also include projects funded by Section 16.11 of S.L. 2005-276 for the 2005-2006 fiscal year.~~
27 intensive intervention services. Intensive intervention services are evidence-based or
28 research-supported community-based or residential services that are necessary for a juvenile, in
29 order to (i) prevent the juvenile's commitment to a youth development center or detention facility
30 or (ii) facilitate the juvenile's successful return to the community following commitment.
31 Specifically, the report shall provide a detailed description of each ~~of the demonstration~~
32 ~~programs, intensive intervention service,~~ including the numbers of juveniles served, their
33 adjudication status at the time of service, the ~~services/treatments~~ services and treatments
34 provided, the length of service, the total cost per juvenile, and the six- and 12-month recidivism
35 rates for the juveniles after the termination of program services."

36 **SECTION 6.(a)** Of the funds appropriated to the Department of Public Safety,
37 Division of Adult Correction and Juvenile Justice (Division) for the 2019-2021 fiscal biennium
38 that are provided to Juvenile Crime Prevention Councils (JCPC) to be used for alternatives to
39 commitment and Level 2 dispositional alternatives, the requirements of this section shall apply
40 for the 2019-2021 fiscal biennium.

41 **SECTION 6.(b)** The funds described in subsection (a) of this section shall be known
42 as funds for intensive intervention services and shall be used for the purpose of providing
43 intensive intervention services for juveniles of any disposition level, based on the needs of the
44 juvenile, as ordered pursuant to G.S. 7B-2506. Intensive intervention services are evidence-based
45 or research-supported community-based or residential services that are necessary for a juvenile,
46 in order to (i) prevent the juvenile's commitment to a youth development center or detention
47 facility or (ii) facilitate the juvenile's successful return to the community following commitment.
48 The Division of Adult Correction and Juvenile Justice shall conduct an open-bid, competitive
49 award process to determine the allocation of JCPC funds among counties. The Division shall
50 identify and select the most effective evidence-based or research-supported methods of meeting
51 the needs of juveniles served. The Division shall, in its discretion, determine the number and

1 amount of awards provided, but in exercising its discretion, shall give consideration to the
2 following:

- 3 (1) The commitment rates or frequency with which the court orders commitment
4 as a disposition for the juveniles served.
- 5 (2) The disposition levels and criminogenic needs of the juveniles served.
- 6 (3) Programs that target juveniles in rural areas.
- 7 (4) Diverse geographical representation across the State.
- 8 (5) Programs that utilize collaboration among counties.

9 **SECTION 7.** Sections 1, 2, 3, and 4 of this act become effective December 1, 2019.

10 The remainder of this act becomes effective July 1, 2019.

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