

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 702
PROPOSED COMMITTEE SUBSTITUTE H702-PCS10591-TV-19

Short Title: Modify Juvenile Crime Prevention Councils.

(Public)

Sponsors:

Referred to:

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.
- 34 (6) The director of the area ~~mental health, developmental disabilities, and~~
35 ~~substance abuse authority,~~ Local Management Entity/Managed Care
36 Organization (LME/MCO) or that person's ~~designee;~~ designee.



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

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

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

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

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

27 "**§ 143B-849. Meetings; quorum.**

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

30 ~~A majority~~ majority of members constitutes a quorum."

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

32 "**§ 143B-851. Powers and duties.**

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

42 ...

43 (d) The Councils may examine the benefits of joint program development between
 44 counties ~~within the same and judicial district.~~ districts."

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

46 "**§ 143B-853. Funding for programs.**

47 (a) Annually, the Division of ~~Administration~~ Adult Correction and Juvenile Justice shall
 48 develop and implement a funding mechanism for programs that meet the standards developed
 49 under ~~Subpart F of Part 3 of Article 13 of Chapter 143B of the General Statutes.~~ this Subpart.
 50 The Division shall ensure that the guidelines for the State and local partnership's funding process
 51 include the following requirements:

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

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

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

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

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

- 1 (1) The commitment rates or frequency with which the court orders commitment
- 2 as a disposition for the juveniles served.
- 3 (2) The disposition levels and criminogenic needs of the juveniles served.
- 4 (3) Programs that target juveniles in rural areas.
- 5 (4) Diverse geographical representation across the State.
- 6 (5) Programs that utilize collaboration among counties.
- 7 **SECTION 7.** Sections 1, 2, 3, and 4 of this act become effective December 1, 2019.
- 8 The remainder of this act becomes effective July 1, 2019.