



## GOVERNOR'S CRIME COMMISSION JJDP ACT STATUS OFFENDER FACT SHEET

### The Deinstitutionalization of Status Offenders (DSO) Core Protection of the Federal JJDP Act

The JJDP Act (Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. §§ 5601, *et seq.*) is a federal law that ties the allocation of federal funds to a state's compliance with guidelines pertaining to the detention of juvenile offenders. **Compliance with the JJDP Act's detention provisions is not mandatory under North Carolina's laws and detentions may even be ordered which violate the Act's core protections (because of detention length or because of the type of juvenile that is involved). Law enforcement officers and judicial officials are strongly encouraged to voluntarily comply with the Act in situations where they are able to do so.** The DSO core protection of the JJDP Act is violated by certain detentions involving status offenders, nonoffenders, civil-type offenders, and alien juveniles. **In order to comply with the Act, these individuals should not be detained for any period of time in the secure area of an adult jail or lockup - this includes temporary secure holds in police departments or sheriff offices (e.g., being cuffed to a stationary object, placed in a cell, or locked in an interview room).** *Accused* status offenders may be detained **in a juvenile facility** for 24 hours before and 24 hours immediately following an initial court appearance (excluding weekends and legal holidays) without the Act being violated. In order to comply with the Act, *adjudicated* status offenders and nonoffenders should not be held for any period of time in a juvenile facility.

#### **Types of Juvenile Offenders for Purposes of Following the DSO Core Protection in North Carolina**

1. **Undisciplined-Type Status offender:** a juvenile under age 18 who is subject to juvenile court jurisdiction for an undisciplined-type status offense (*see below*).
2. **Delinquent-Type Status Offender:** a juvenile under age 18 who is subject to delinquency court jurisdiction for a curfew, tobacco, or motor vehicle offense that would not be a crime if committed by an adult (*see below*).
3. **Nonoffender:** a juvenile under age 18 who is subject to juvenile court jurisdiction for reasons of dependency, neglect, or abuse.
4. **Civil-type Offender:** a juvenile under age 18 who is subject to delinquency court jurisdiction for an offense/infraction that is civil in nature (e.g., non-criminal traffic or fish & game violations).
5. **Alien Juvenile:** a non-citizen juvenile under age 18 who is not charged with any offense.

UNDISCIPLINED-TYPE STATUS OFFENSES	STATUTE
Runaway	§ 7B-1501(27)
Found in Places Unlawful for a Juvenile to be	§ 7B-1501(27)
Truant (unlawfully absent from school)	§ 7B-1501(27)
Ungovernable (also referred to as "disobedient")	§ 7B-1501(27)
Undisciplined (encompasses the above four offenses)	§ 7B-1501(27)

DELINQUENT-TYPES STATUS OFFENSES	STATUTE
<b>Motor Vehicle Offenses</b> <ul style="list-style-type: none"> <li>▪ Public passenger-carrying vehicle violation</li> <li>▪ Moped violation</li> <li>▪ Learner's permit violation</li> <li>▪ Provisional license violation</li> </ul>	§ 20-10 § 20-10.1 § 20-11 § 20-11
<b>Underage Tobacco Offenses</b> <ul style="list-style-type: none"> <li>▪ Purchasing or attempting to purchase tobacco products or cigarette wrapping papers by a person under the age of 18 years</li> <li>▪ Accepting receipt or attempting to accept receipt of tobacco products or cigarette wrapping papers by a person under the age of 18 years</li> </ul>	§ 14-313(c)
<b>Curfew Violations</b> – related to being a minor – this may be an offense under local municipal code	See local law