



Juvenile Jurisdiction Advisory Committee
3010 Hammond Business Place
Raleigh, NC 27603

Thursday, November 8, 2018

Members: Bill Davis (Co-Chair); Garry Frank (Co-Chair); Tarrah Callahan; J.H. Corpening II; Beth Freshwater-Smith; Michelle Hall; Krista Hiatt; Jennifer Knox; William Lassiter; Jeffrey Ledford; Kym Martin; Carol McManus; Robert Rader; Mary Stansell; Heather Taraska; Eric Zogry

Guests: Catherine Anderson; Mark Aycocock; Susanna Birdsong; Daniel Bowes; Pablo Campos; Venecia Carr; Bonnie Clark; Dwayne Cogdell; Emily Coltrane; Alicia Davis; Peg Dorer; Maxine Evans-Armwood; Dale Floyd; Dan Flye; Tawanda Foster; Michelle Frazier; Jeffrey Goldsmith; Jacqui Greene; Kate Gudiz; Gene Hallock; Ron Hargrave; Jodi Harrison; Ginny Hevener; Erin Hickey; Justine Homiak; Matthew Jenkins; Adam Johnson; Rachel Johnson; Diana Kees; Gary Skinner; Rachel Larsen; John Madler; Chuck Mallonee; Traci Marchand; Emily Menta; Peggy Nichols; Cindy Porterfield; LaToya Powell; Kimberly Quintus; Monica Shabo; Jennifer Short; Angie Smith; Mildred Spearman; Jean Steinberg; Joe Testino; King Thomas; George Tkach; Jillian Totman; Karmen Turlington; Juan Tuset; Ricky Watson; Jennifer Wesoloski; Mark White; Theresa Williams; Ruben Young

Call to Order: 10:04 AM

- Review of JJAC minutes from August 24, 2018. Move to accept, seconded, all in favor, no one opposed.
- Review of LRLI minutes from October 11, 2018.
 - Change “shall” to “may” on Page 3. Moved and seconded, no one opposed.
- Swearing in of the Honorable Beth Freshwater-Smith by Robert Rader.

Legislative Revisions and Legal Issues Subcommittee Recommendations & Vote

Heather Taraska, Assistant District Attorney, Mecklenburg County

- **Recommendation #1:** Amend NCGS 7B-2508 (g1) introduced for consideration.
 - **Purpose:** To establish the standard of finding related to gang activity, and hence the standard on which the gang suppression portion of S.L. 2017-57 is based.
 - (g1) (**Effective December 1, 2019**) Notwithstanding subsection (f) of this section, if a juvenile is adjudicated for an offense that the court finds **beyond a reasonable doubt** was committed as part of criminal gang activity as defined in G.S. 7B-2508.1, the juvenile shall receive a disposition one level higher than would otherwise be provided for the class of offense and delinquency history level.
 - Motion to approve was made, seconded, and approved. No one opposed.
- **Recommendation #2:** Amend 7B-1604(b)(ii) introduced for consideration.
 - **Purpose:** To allow youth with previous motor vehicle violations excluding DWI, to be included under juvenile jurisdiction upon the Dec. 1, 2019 implementation of the Juvenile Justice Reinvestment Act.
 - 7B-1604 (b): A juvenile (i) who is transferred to and convicted in superior court or (ii) who has previously been convicted in either district or superior court for a felony or a misdemeanor, **including excluding** a violation of the motor vehicle laws **other than driving while impaired** under State law, shall be prosecuted as an adult for any criminal offense the juvenile commits after the district or superior court conviction.
 - Motion to approve was made, seconded, and approved. Mary Stansell opposed.
- **Recommendation #3:** Expunction advisement introduced for consideration (see attached):
 - Accept TV-4 [v.5] with and/or added and conviction sentence (line 20)
 - Change (a)(1) to statement (line 24)

- Remove (a)(2) (line 29)
- (a)(5) be a statement instead of an affidavit (line 10)
- (e) be removed completely
- Include on line 21 (a)(i) "Petition cannot be filed earlier than completion of the sentence or any period of probation, and upon his 18th birthday."
 - Discussion around Chief Justice's recommendations and the expunction taskforce. Move to withdraw recommendation to avoid conflict with other working committees and to clarify appropriate venue for topic resolution. Motion to withdraw was made, seconded, and approved. No one opposed.

Detention Projections

Michelle L. Hall, Sentencing and Policy Advisory Commission

- Explained projections assumptions and data
- Explained alternate scenarios and growth rates
- Took questions regarding projected need for increased detention capacity

Implementation Update from Juvenile Justice

William L. Lassiter, Deputy Secretary for Juvenile Justice

- Updated committee on JJAC reporting requirements
- Discussed budget request, rationale, funds received, and funds requested
- Discussed hiring and expansion plans
- Discussed legislative changes to Community Programs
- Covered detention costs and partnerships with Sheriffs for additional beds
- Took questions regarding salary costs, residential beds, and sharing data with counties

New Business – JJAC members

None indicated

Public Comment

No one signed up

One comment on the importance of JCPCs and expunging adult records of 16 and 17-year-olds.

12:30 PM - Moved to adjourn after lunch

Additional Instructions: Any changes to your contact information should be sent to Kimberly.Quintus@ncdps.gov.

Next meeting: January 8, 2019 from 10am-2pm at 3010 Hammond Business Pl, Raleigh, NC.