

**Selected North Carolina Court of Appeals and Supreme Court Case law:
July 2006 through August 7, 2007**

ADMISSION/PLEA TRANSCRIPT

In re D.A.F., 635 S.E.2d 509 (2006). The juvenile admitted to one count of first-degree sex offense. The transcript of admission presented to the court and signed by the juvenile indicated the most restrictive disposition facing the juvenile would be commitment to a youth development center for a minimum of six months and a maximum of the juvenile's 19th birthday. After the juvenile's oral admission to the court, the court informed the juvenile that the maximum the juvenile could be committed would be until the juvenile's 21st birthday. The juvenile appealed, arguing that the maximum term of commitment was not known to the juvenile at the time the transcript was signed. The Court of Appeals agreed, finding that in *In re W.H.*, 166 N.C. App. 643, 603 S.E.2d 356 (2004), the Court held that a juvenile must be given a chance to withdraw the plea if the admission was not made knowingly and voluntarily. The Court found that because the juvenile's admission was based on knowledge that the maximum commitment the juvenile was facing was the juvenile's 19th, not 21st birthday, the case should be reversed and remanded.

In the Matter of A.W., 641 S.E.2d 354 (2007). The juvenile admitted to possession of marijuana with intent to sell or deliver. The juvenile appealed, but filed an *Anders* brief, stating that appellate counsel was unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal. However, the Court Appeals, after review, found that the trial court failed to completely satisfy the requirements of N.C.G.S. 7B-2407. The trial court failed to notify the juvenile of his right against self-incrimination or of his right to deny the allegations. The Court noted that the written transcript of admission was complete, but held that under *In re T.E.F.*, 359 N.C. 570 (2005) the trial court is required to ask the juvenile each of the questions listed under N.C.G.S. 7B-2407 to assess the juvenile's understanding of each question.

APPEAL

In the Matter of M.B., 643 S.E.2d 675 (2007) (**unpublished**)
The juvenile was adjudicated delinquent for simple assault and simple affray, and disposition for both offenses was entered on the same day. The juvenile appealed the adjudications, but the juvenile's notice of appeal and appellate entries form stated that he only appealed the adjudication of simple affray. During oral arguments, juvenile's counsel made an oral motion to treat his brief as a petition for a writ of certiorari, but the Court of Appeals determined that counsel had not followed the Rules of Appellate Procedure in seeking the writ. The Court therefore held that it lacked jurisdiction to hear the appeal from the adjudication of the simple affray.

COMPETENCY/APPEALS/ETHICS

In the Matter of: H.D., 2007 N.C. App. LEXIS 1267 (**unpublished**)

The juvenile was adjudicated delinquent for misdemeanor assault and misdemeanor breaking and entering. The juvenile only appealed the trial court's ruling that the juvenile was competent, arguing that the trial court erred in not allowing the juvenile's witness to testify and in not allowing the attorney to testify on the juvenile's behalf. The Court of Appeals decided not to rule on the first argument, stating that at trial the attorney failed to make an offer of proof as to the significance of the excluded evidence, therefore preventing the Court from reviewing the merits of counsel's argument. The Court also held that it was not error to refuse the attorney's testimony when it would be adverse to the rules of professional ethics and conduct as the attorney may not act as both advocate and witness. Finally, the Court held that although the trial court erred in allowing the state's witness to testify as to the legal conclusion of capacity to proceed, it amounted to harmless error because there was no possibility the trial court would have concluded otherwise based only on the State's witness.

CONFESSIONS

In the Matter of J.B., 2007 N.C. App. LEXIS 1015 (**unpublished**)

The juvenile was adjudicated delinquent for breaking and entering and larceny. The facts at trial indicated that the juvenile was detained in a room at the school where he was questioned by law enforcement (not a school resource officer) and subsequently made admissions. The juvenile was not afforded his Miranda warning or statutory warning. The juvenile appealed, arguing that he was in custody at the time of the questioning and therefore his statements and any evidence obtained with those statements should not have been admitted. The Court of Appeals first held that under *In Re: W.R.*, the Court must determine whether or not the juvenile was in custody "consider[ing] all the facts and circumstances from the perspective of a reasonable person in the juvenile's position." The Court noted that the trial court made no findings of fact at the trial level as to whether or not the juvenile was in custody at the time, and therefore the case was remanded for the Court to make findings of fact as to whether the juvenile was in custody.

CRIME AGAINST NATURE

In the Matter of R.L.C., 361 N.C. 287, 643 S.E.2d 920 (2007)

The juvenile was adjudicated delinquent for committing crime against nature (G.S. § 14-77) by having oral sex with a 12 year old when he was 14 years old in a vehicle parked in a public lot. The juvenile appealed, arguing that because no statutes were violated specifically prohibiting non-procreative sexual conduct between minors, then the criminalization of private, consensual, non-procreative sexual conduct between minors would be a violation of the Due Process Clause of the 14th Amendment of the U.S. Constitution, as held by the U.S. Supreme Court in *Lawrence v. Texas*. The Court of Appeals upheld the statute as it applies to minors and public activity, stating that *Lawrence* was only applicable to consenting adults, and that the statute had a legitimate state interest to regulate prostitution, non-consensual sexual acts, public sexual acts and

sexual acts between minors. The dissent disagreed with the majority that all sexual conduct between minors may be regulated by G.S. § 14-77, without regard to the circumstances, as the General Assembly has stated in other statutes that there is a legitimate state interest in the regulation of the sexual conduct between minors when there is a certain difference in age. The Supreme Court agreed with the Court of Appeals' majority opinion, holding that private, consensual, non-procreative sexual activity between minors can be regulated due to the legitimate government interest in promoting physically and mentally healthy young citizenry and by preventing sexual activity between minors in order to halt the spread of sexually transmitted diseases. Also, despite the existence of statutes regulating intercourse between minors less than three years apart in age, because G.S. § 14-77 contains no age differential element, it should be interpreted as it is written by its plain meaning, without reference to any variance in age. Finally, the dissent stated that the application of G.S. § 14-77 to minors conflicts with the more specific statutes regarding sexual conduct between minors, which intend to protect young victims or to prevent underage pregnancies.

DETENTION AND CUSTODY

In the Matter of R.T.L., 2007 N.C. App. LEXIS 1025 (**unpublished**)

The juvenile was adjudicated delinquent for possession with intent to sell or deliver cocaine. The evidence at trial indicated that the juvenile was found to be in possession of one plastic bag containing seven “rock-like” substances. The juvenile appealed, arguing that the trial court erred in denying the juvenile's motion to dismiss due to insufficient evidence. The Court of Appeals agreed, holding that intent may only be inferred from packaging, labeling, and storage, the defendant's activities, the quality of the substance found, and the presence of cash or drug paraphernalia. The Court found that the State failed to provide any other evidence. The judgment was vacated and remanded for entry of judgment on possession of cocaine with resentencing accordingly. The Court also held that the juvenile was entitled to a sentencing credit for time spent in detention prior to adjudication. The Court stated that under *In re: Allison*, the Court had previously determined that the provisions of G.S. 15-196.1 (credit for time served) apply to juvenile offenders.

DISORDERLY CONDUCT

In the Matter of Q.P.W., 2007 N.C. App. LEXIS 895 (**unpublished**)

The juvenile was adjudicated delinquent for disorderly conduct. The facts at trial indicated that the juvenile was acting loud and belligerent in a school hallway in the middle of a school day, as well as using profanity. Two principals responded to the incident. The Court of Appeals first noted that under prior case law, disorderly conduct in school must cause a substantial interference with, disruption of, and confusion of the operation of the school in its program of instruction and training of students there enrolled, and that the evidence does not need to show an actual disruption of classroom instruction. The Court held that given the volume, duration, and profane nature of the disturbance, as well as the time and location of the disturbance and the number of school

personnel who needed to address it, the evidence was sufficient to establish substantial interference with the school's operation.

DISPOSITIONS: SENTENCING

In the Matter of: T.B., 631 S.E. 2d 857 (2006)

The juvenile appealed from a dispositional order on June 1, 2004 committing the juvenile to a youth development center. The juvenile's prior court history included an adjudication on June 13, 2003 of a minor offense and sentenced at Level 1 for disposition. The juvenile then was found in violation of probation on April 28, 2004. At the dispositional phase of the probation hearing, the court ordered that the juvenile be placed on a "stayed commitment to training school." The court scheduled a review hearing to be held on June 1, 2004, at which time the court ordered the juvenile committed to a youth development center. The juvenile argued that the court did not have the authority to order a Level 3 disposition. The Court of Appeals agreed, finding that at the April 28, 2004 hearing, the trial court could only order a disposition at the "next higher level," which would be limited to a Level 2 disposition. Therefore, disposition could not include a Level 3 commitment, whether or not the commitment was stayed.

In re S.R.S., 636 S.E.2d 277 (2006). The juvenile was adjudicated of communicating threats. As part of the dispositional order, the court ordered that the juvenile abide by any rules set out by the Court Counselor including, but not limited to, curfew rules and rules regarding with whom the juvenile may associate, that the juvenile cooperate with any out of home placement if deemed necessary, or if arranged by the Court Counselor, and that the juvenile cooperate with any counseling or assessment recommended by the Court Counselor. The juvenile appealed, arguing that the trial court had improperly delegated its authority to order certain conditions of disposition as held under *In re Hartsock*, 158 N.C. App. 287, 580 S.E.2d 395 (2003). The Court of Appeals first noted that although *Hartsock* concerned dispositional alternatives from an adjudication of delinquency and the instant case concerned dispositional alternatives from an adjudication of a probation violation, that *Hartsock* was still "persuasive and applicable." While the Court found no fault with the first condition challenged by the juvenile, the Court did hold that the other conditions constituted an impermissible delegation of authority. The Court held that if the trial court felt that out of home placement was necessary, the court would have ordered such placement. The Court similarly held that if the trial court wished for the juvenile to participate in an assessment or counseling, then the trial court should have ordered a specific assessment or specific counseling for the juvenile.

In the Matter of T.A.B., 2007 N.C. App. LEXIS 741 (**unpublished**)

The juvenile was found in violation of his probation and committed to a youth development center. On appeal, the juvenile argued that the trial court failed to make sufficient findings of fact in determining disposition as required under G.S. 7B-2501(c). The Court of Appeals found that the trial court received and considered a predisposition report but did not incorporate or attach it. The Court also noted the pre-order stated "see attached" under "other findings," but attached nothing. The Court held that the trial court

failed to make sufficient findings of fact and remanded the case for a new dispositional hearing.

In Re: J.P.M., 2007 N.C. App. LEXIS 1289 (**unpublished**)

The juvenile was found in violation of his probation and committed to a youth development center. The juvenile appealed, arguing that the trial court failed to make adequate findings of fact and conclusions of law in accordance with G.S. 7B-2412. The State argued that probation violations are governed exclusively by G.S. 7B-2510, and therefore the trial court need not make the findings required by G.S. 7B-2512. The Court of Appeals agreed with the juvenile, holding that in a dispositional hearing following a probation violation, the disposition order must be submitted along with adequately supportive findings of fact and conclusions of law. Appropriate findings of fact were not apparent in this case, and the case was remanded for a new dispositional hearing.

PETITION

In the Matter of: L.O., 2006 N.C. App. LEXIS 1764 (**unpublished**)

The juvenile was adjudicated of injury to real property. The juvenile appealed, arguing that the trial court lacked jurisdiction because the juvenile petition was not filed within the statutorily prescribed time period. The Court of Appeals agreed, stating that under G.S. 7B-1706 the court counselor must file a juvenile petition within a maximum of thirty days once a petition is received. The Court then noted that the only indication of the date on which the court counselor received the petition was the date the petition was sworn and subscribed by the law enforcement officer. Because the date on which the petition was filed was more than thirty days after the date the petition was sworn and subscribed, the Court found that the trial court lacked jurisdiction to hear the matter.

In Re: M.C., 643 S.E.2d 678 (2007)

The juvenile was adjudicated delinquent for misdemeanor larceny. The juvenile appealed, arguing that the petition was filed 31 days after the complaint was filed and there the court lacked subject matter jurisdiction. The Court of Appeals agreed, and held that if a petition is filed outside the statutory maximum time of 30 days, the court does not have jurisdiction and the petition must be dismissed.

PROBATION

In the Matter of D.J.M., 638 S.E.2d 610 (2007). The juvenile admitted to a violation of probation. The juvenile appealed, arguing that the trial court failed to make specific inquiries required under N.C.G.S. 7B-2407 (pertaining to when admissions to criminal conduct may be accepted) to ensure that the juvenile's admission was knowing and voluntary. The Court of Appeals disagreed, finding that the statute only applies to admissions of committing criminal offenses, not admissions to probation violations.

SERVICE

In re: D.S.B., a Juvenile, 634 S.E.2d 633 (2006)

The juvenile was adjudicated of second-degree rape. The juvenile appealed, arguing that he was never properly served, since the juvenile and parent were served with the summons and notice of hearing on the day of the juvenile's first hearing (a secure custody hearing). The Court of Appeals noted that under G.S. 7B-1806 the juvenile is to be served no less than five days prior to the scheduled hearing. However, the Court also found that prior decisions have held that delinquency proceedings are governed by the Rules of Civil Procedure, which dictate that a general appearance by a party constitutes a submission to the jurisdiction of the court. Relying on *In re Hodge*, 153 N.C. App. 102, 568 S.E. 2d 878 (2002), the Court found that the juvenile's appearance at the first appearance, secure custody and subsequent hearings without contesting the process or jurisdiction constituted a general appearance for the purposes of waiving any defect in service.

SUFFICIENCY OF THE EVIDENCE

In the Matter of M.E.W., 2006 N.C. App. LEXIS 1888 (**unpublished**)

The juvenile was adjudicated of sexual battery. The following facts were found by the trial court: the day before the incident the juvenile (nine years old) brought a condom to school, told other students with whom he was going to use the condom, and attempted to hide the condom wrapper when asked by the assistant principal whether or not the juvenile "had anything he was not supposed to have at school." The trial court also found that on the day of the offense, the juvenile laughed after the juvenile touched the victim on her private parts. The juvenile appealed, arguing that the State failed to prove the element of committing the battery for the purpose of gratifying sexual desire. The Court of Appeals disagreed, holding that a reasonable inference of intent to gratify sexual desire could be drawn by the facts presented at trial.

In re J.H., 630 S.E.2d 457, *affirmed*, 361 N.C. 110, 637 S.E.2d 538 (2006).

The juvenile was adjudicated of felony possession of stolen property. The juvenile appealed, arguing that the state failed to prove each and every element of the offense beyond a reasonable doubt. The Court of Appeals disagreed that the state failed to prove that the juvenile possessed the property with the intent to permanently deprive the owner. The Court held that the following facts proved beyond a reasonable doubt that the juvenile possessed the stolen vehicle: the juvenile had access to the vehicle on the day it was taken, after the juvenile was returned to grandfather's house, a phone call by grandfather alerted the juvenile's mother (owner of the vehicle) that her vehicle was missing, that the juvenile was found nine days later inside a home in with the vehicle parked in the home's driveway, and that the mother stated that the juvenile "confessed" when asked on direct examination, "Did [the juvenile] say if he took your car?" The Court did agree, however, that the state failed to prove the value of the vehicle, and therefore remanded the case to the trial court for an entry of disposition on misdemeanor possession of stolen property. There was a dissent, which argued that the state failed to

prove that the juvenile possessed the vehicle outside of circumstantial evidence. The Supreme Court affirmed the Court of Appeal's majority ruling.

In the Matter of T.K., III, 2007 N.C. App. LEXIS 220 (**unpublished**). The juvenile was adjudicated delinquent of simple assault (wiping feces on the face of a fellow camper who was asleep). The trial court found that the juvenile acted in concert with two other juveniles in the commission of the act. The juvenile appealed, first arguing that the petition failed to include the element that the victim was "put in apprehension of harmful or offense contact." The Court of Appeals found that under North Carolina law, the charge of simple assault does not have to include the element of "apprehension of harmful or offensive contact," but can instead allege "an overt act showing an intentional offer by force and violence to do injury to another sufficient to put a person of reasonable firmness in apprehension of immediate bodily harm." Therefore the petition alleging an assault "by inserting [a] finger into [an] anus and wip[ing] feces on [the victim's] face" sufficiently alleged the charge of simple assault. The juvenile also argued that the trial court erred by denying his motions to dismiss because the state failed to prove beyond a reasonable doubt that he acted in concert with the other juveniles. The Court of Appeals disagreed, stating that to show concerted action of the commission of crime the state must prove that 1) the juvenile is present at the scene of the crime and 2) the juvenile is acting together with another who does the acts necessary to constitute the crime pursuant to a common plan or purpose to commit the crime. The Court found that the following evidence sufficient to adjudicate the juvenile of simple assault: (1) one of the other juveniles asked the juvenile to "come and watch" him commit the assault; (2) the juvenile stood four or five feet from the victim; (3) the juvenile was present at the scene of the assault; (4) the juvenile had picked on the victim during the week at camp; (5) the juvenile testified he thought it would be "amusing" to watch one of the juvenile's smear feces across the victim's face; (6) when confronted about the incident, all the juveniles stated "we" smeared feces on the victim's face; and (7) the juvenile stated in his apology letter, "I'm sorry for doing those horrible things to you."

In the Matter of B.N.S., 641 S.E.2d 411 (2007). The juvenile was adjudicated delinquent of possessing a weapon on school property, a pocketknife, with a blade 2.5 inches long. The juvenile appealed, arguing that the trial court should have granted the juvenile's motion to dismiss because a closed pocketknife is not a "weapon" as defined under N.C.G.S. 14-269.2(d). The Court of Appeals first held that the intent of the statute was to "deter students and others from bringing any type of weapon onto school grounds because of the increased necessity for safety in our schools." The Court then noted that the statute does not require a showing of criminal intent, and that under prior case law, the question of operability of the weapon is not relevant because the intent of the statute is the increased need for safety in schools. Therefore, because the juvenile brought the pocketknife to school and no statutory exemption applied, the trial court did not err in denying the juvenile's motion to dismiss.

In the Matter of R.T.L., 2007 N.C. App. LEXIS 1025 (**unpublished**)
The juvenile was adjudicated delinquent for possession with intent to sell or deliver cocaine. The evidence at trial indicated that the juvenile was found to be in possession of

one plastic bag containing seven “rock-like” substances. The juvenile appealed, arguing that the trial court erred in denying the juvenile's motion to dismiss due to insufficient evidence. The Court of Appeals agreed, holding that intent may only be inferred from packaging, labeling, and storage, the defendant's activities, the quality of the substance found, and the presence of cash or drug paraphernalia. The Court found that the State failed to provide any other evidence. The judgment was vacated and remanded for entry of judgment on possession of cocaine with resentencing accordingly. The Court also held that the juvenile was entitled to a sentencing credit for time spent in detention prior to adjudication. The Court stated that under *In re: Allison*, the Court had previously determined that the provisions of G.S. 15-196.1 (credit for time served) apply to juvenile offenders.

Appeals Pending Final Decision:

In the Matter of: W.R., 634 S.E.2d 923, stay granted in 361 N.C. 167, 637 S.E.2d 544 (2006)

The juvenile was adjudicated of possession of a weapon (knife) on school property. The facts indicated that the juvenile's middle school principal was contacted by a parent of another child at the school. As a result of the call, the principal and assistant principal took the juvenile to the principal's office and asked if the juvenile had “something at school that he should not have in his possession.” The juvenile answered no, and at some point in the questioning the school resource officer (SRO) joined in the questioning. The juvenile was asked to empty his pockets, the SRO performed a search, and nothing was found. While each administrator and the SRO had left the office for some period of time, the juvenile was always under the supervision of one of the school officials. After approximately thirty minutes of questioning, the juvenile revealed that he had brought a knife to school the previous day. After the admission, the juvenile was held in the office by the SRO for another ninety minutes for a parent to retrieve the juvenile (the principal discovered that the juvenile lived outside the school district and did not allow the juvenile to return to class). The juvenile appealed, arguing that the admission should not have been admitted because the juvenile was not made aware of either the juvenile's constitutional or statutory rights protecting against self-incrimination. The statement was allowed without objection at trial, and the Court of Appeals noted that to meet the plain error standard of review, the juvenile must show that a different result would have likely been reached had the evidence not been admitted and that the error would result in a denial of a fair hearing. The Court found that the constitutional and statutory (N.C. G.S. 7B-2101) protections against self-incrimination would only apply if the juvenile was found to be “in custody” which the Court held to be “whether a reasonable person in [the juvenile's] position, under the totality of the circumstances, would have believed that he was under arrest or was restrained in his movement to the degree associated with a formal arrest.” The Court then distinguished the case at bar with *In re Phillips*, 128 N.C. App. 732 (1998), finding that due to the SRO's involvement in the questioning, the search during the interrogation, and the fact that the juvenile was consistently in the presence of school officials, that “a reasonable person standing in the place of the juvenile would have believed that he was restrained in his movement to the degree associated with a formal arrest.” The Court held that the admission of the juvenile's statement was

therefore in error, and because the statement was the only evidence offered to support the allegations, the Court vacated the adjudication and disposition.

In the Matter of I.R.T., 2007 N.C. App. LEXIS 1624

The juvenile was adjudicated of possession of cocaine with the intent to sell or distribute. The juvenile appealed, first arguing that the juvenile was not competent to stand trial. The Court of Appeals disagreed, finding that the trial court did not abuse its discretion in finding that the juvenile was competent to stand trial, after considering the testimony of two psychologists. The juvenile next argued that the trial court erred in denying the juvenile's motion to suppress evidence of the cocaine. The Court reviewed state and federal law and found that there had not been a holding from a North Carolina state court as to whether the age of a juvenile was a relevant inquiry in determining whether a seizure has occurred within the meaning of the Fourth Amendment. The Court then held that the age of a juvenile is a relevant factor in determining whether a reasonable person would feel free to leave upon being stopped by law enforcement. The Court found that the juvenile was seized, but that the juvenile's conduct and other circumstances surrounding the seizure were sufficient to establish reasonable suspicion to be seized by the officer. The court also found that the officer had probable cause, based on the same factors finding reasonable suspicion, to search the juvenile. The court therefore upheld the trial court's ruling denying the juvenile's motion to suppress. Finally the juvenile argued that the trial court erred in denying the juvenile's motion to dismiss the charge. The Court agreed, finding that upon viewing all of the evidence that was not enough evidence to demonstrate intent. The court then removed the case for disposition based on an adjudication for simple possession of cocaine. In a separate concurrence, one judge questioned the authority of one of the witnesses as to the juvenile's competency, but ultimately found that the trial court did not abuse its discretion. In a separate concurrence and dissent, another judge concurred that the juvenile was competent to stand trial and that the trial court error in denying the juvenile's motion to dismiss. However the judge dissented from the determination that the search and seizure of the juvenile was justified because of the lack of reasonable suspicion to stop the juvenile and the lack of probable cause to search the juvenile.

State v. Evans, 2007 N.C. App. LEXIS 1600

The juvenile was charged with first degree murder and two other offenses. The district court held a probable cause hearing and found probable cause that the juvenile committed all of the offenses charged. The juvenile had filed a "motion against juvenile being transferred and tried as an adult," but the district court denied the motion finding that G.S. 7B-2200 mandated the transfer of the case to superior court. The juvenile's counsel appealed the decision to superior court under the same motion, which was denied. The juvenile, now defendant, pled guilty to second degree murder and another charge, but attempted to preserve the right to appeal the issue regarding the transfer. The defendant appealed, arguing that the automatic transfer of the case to superior court upon a finding of probable cause violated his constitutional rights to due process and equal protection. The Court of Appeals declined to consider the defendant's argument, finding that the defendant's appeal following his guilty plea did not fall under any age of the categories of appeal under G.S. 15A-1444. There was a dissent, which held that the defendant did

have a right to appeal under 7B-2603(d). The dissent also noted that upon reaching the merits it would find that 7B-2200 is not unconstitutional.

New Legislation from the 2007-2008 Session of the General Assembly

Session Law 2007-100/House Bill 1243:

Creates a new law requiring the judge to make findings before shackling a juvenile in court. Allows the juvenile and the juvenile's attorney to be heard to contest the use of shackles. **G.S. 7B-2402.1 (Effective October 1, 2007)**

Session Law 2007-168/House Bill 1479

Creates new procedures governing the finding of direct or indirect contempt of juveniles, including right to counsel, hearings and sanctions. **G.S. 5A-31 through 5A-34**. Amends **G.S. 7B-1603** to include contempt hearings under the exclusive original jurisdiction of juvenile court. Amends Article 17 (Screening of Delinquency and Undisciplined Complaints) of the Juvenile Code by clarifying that intake procedures do not apply when a juvenile is held in direct contempt of court. **G.S. 1707**. Amends **G.S. 7B-2507(b)** by clarifying that points are not assigned for a juvenile who is found to be in direct contempt of court. Amends **G.S. 7B-2508(a)** by adding that a finding of indirect contempt is considered a "minor" offense. Amends **G.S. 143B-536** by adding that a juvenile court counselor's duty includes assisting in the implementation of any order finding a juvenile to be in direct contempt of court. **(Effective December 1, 2007)**.

Senate Bill 999 (Ratified)

Amends **G.S. 7B-1903(b)** by adding that a juvenile may be held in secure custody for demonstrating that the juvenile is a danger to persons and is charged with a violation of G.S. 20-138.1 (driving while impaired) or G.S. 20-138.3 (driving by a person less than 21 years old after consuming alcohol or drugs). **(Effective December 1, 2007)**. Directs that the Legislative Research Commission may study dispositional alternatives for juveniles adjudicated of the above offenses and determine their classification, points to be assigned to the offenses, and dispositions. The Legislative Research Commission is to make an interim report, including proposals, to the 2008 Regular Session and make its final report to 2009 Session upon convening.

House Bill 1148 (Ratified)

Creates new procedures governing the disclosure of information about juveniles who escape from the custody of the Department of Juvenile Justice and Delinquency Prevention. **G.S. 7B-3102**. Repeals G.S. 7B-2102(d1), and creates section **7B-2102(a1)** which orders that county detention facilities shall release any photographs it makes or receives to the Department upon request. Amends 7B-2102(c) to order that the State Bureau of Investigation shall release any photograph it receives to the Department upon request. **(Effective October 1, 2007)**.