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HOUSE BILL 1007
PROPOSED COMMITTEE SUBSTITUTE H1007-PCS40797-SA-41

Short Title:	Authorize Concurrent Juvenile Jurisdiction.	(Public)

Sponsors:

Referred to:

May 23, 2022

1   A BILL TO BE ENTITLED
2   AN ACT TO AUTHORIZE THE STATE TO EXERCISE CONCURRENT JURISDICTION
3   FOR OFFENSES COMMITTED BY JUVENILES ON UNITED STATES MILITARY
4   BASES LOCATED WITHIN THE STATE.
5   The General Assembly of North Carolina enacts:
6   **SECTION 1.** G.S. 104-11.1 reads as rewritten:
7   "**§ 104-11.1. Governor may accept a retrocession of jurisdiction over federal** ~~areas.~~**areas;**
8   **authorization for concurrent juvenile jurisdiction.**
9   (a)   Whenever a duly authorized official or agent of the United States, acting pursuant to
10 authority conferred by the Congress, notifies the Governor or any other State official, department
11 or agency, that the United States desires or is willing to relinquish to the State the jurisdiction, or
12 a portion thereof, held by the United States over the lands designated in such notice, the Governor
13 may, in his discretion, accept such relinquishment. Such acceptance may be made by sending a
14 notice of acceptance to the official or agent designated by the United States to receive such notice
15 of acceptance. The Governor shall send a signed copy of the notice of acceptance, together with
16 the notice of relinquishment received from the United States, to the Secretary of State, who shall
17 maintain a permanent file of said notices.
18   Upon the sending of said notice of acceptance to the designated official or agent of the United
19 States, the State shall immediately have such jurisdiction over the lands designated in the notice
20 of relinquishment as said notice shall specify.
21   The provisions of this ~~section~~ subsection shall apply to the relinquishment of jurisdiction
22 acquired by the United States under the provisions of this Chapter or any other provision of law.
23   (b)   Notwithstanding any other provision of this Article, the State shall exercise
24 concurrent jurisdiction with the United States over a military installation of the United States
25 Department of Defense located within the State in a matter relating to a violation of federal law
26 by a juvenile within the boundaries of that military installation, if all of the following criteria are
27 met:
28   (1)   The United States Attorney, or the United States District Court, for the
29   applicable district in North Carolina waives exclusive jurisdiction.
30   (2)   The violation of federal law is also a crime or infraction under State law."
31   **SECTION 2.** Article 16 of Chapter 7B of the General Statutes is amended by adding
32 a new section to read:
33 "**§ 7B-1605. Jurisdiction over certain delinquent juveniles.**
34   When concurrent jurisdiction has been established pursuant to G.S. 104-11.1(b), the court
35 has exclusive original jurisdiction over any case involving a juvenile who is alleged to be

1 delinquent as the result of an act committed within the boundaries of a military installation that
2 is a crime or infraction under State law."
3   **SECTION 3.** G.S. 7B-1501 reads as rewritten:
4 "**§ 7B-1501. Definitions.**
5   In this Subchapter, unless the context clearly requires otherwise, the following words have
6 the listed meanings. The singular includes the plural, unless otherwise specified:
7   …
8   (27b)   Vulnerable juvenile. –
9   a.   Any juvenile who, while less than 10 years of age but at least 6 years
10   of age, commits a crime or infraction under State law or under an
11   ordinance of local government, including violation of the motor
12   vehicle laws, and is not a delinquent juvenile.
13   b.   Any juvenile who, while less than 10 years of age but at least 6 years
14   of age, commits an act within the boundaries of a military installation
15   that is a crime or infraction under State law and is not a delinquent
16   juvenile.
17   …."
18   **SECTION 4.** This act becomes effective December 1, 2022, and applies to acts
19 committed on or after that date.