



GOVERNOR'S CRIME COMMISSION JJDP ACT STATUS OFFENDER FACT SHEET

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

The DSO core requirement of the JJDP Act (Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. §§ 5601, *et seq.*) 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 can be detained *in a juvenile facility* for 24 hours before and 24 hours immediately following an initial court appearance (excluding weekends and legal holidays). *Adjudicated* status offenders are not be held for any period of time in a jail or lockup. Such offenders are not to be held in a juvenile facility, either, unless they are held for violating a court order and the JJDP Act process is followed. As of October 1, 2003, nonoffenders must not be held for any period of time in a juvenile facility.

Types of Juvenile Offenders for Purposes of Following the DSO Core Requirement in North Carolina

1. **Undisciplined-Type Status offender:** a juvenile *under age 18* subject to juvenile court jurisdiction for being runaway, truant, ungovernable, or found in places unlawful for a juvenile to be.
2. **Delinquent-Type Status Offender:** a juvenile subject to delinquency jurisdiction for committing an offense that would not be a crime if committed by an adult (e.g., underage alcohol purchase/possession, driving after consuming <21, receipt of tobacco products), *said offense having been committed prior to age 16*.
3. **Criminal-Type Status Offender:** Juvenile under age 18 who is subject to criminal court jurisdiction for an alcohol or tobacco offense that is not a crime as to most adults (e.g., underage alcohol purchase or possession, driving after consuming <21).
4. **Nonoffender:** a juvenile *under age 18* subject to juvenile court jurisdiction for reasons of dependency, neglect, or abuse.
5. **Civil-type Offender:** a juvenile subject to delinquency jurisdiction for committing an offense/infracton that is civil in nature (e.g., non-criminal traffic or fish & game violations), *said offense having been committed prior to age 16*.
6. **Alien Juvenile:** an alien 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, CRIMINAL-TYPE STATUS OFFENSES, AND CIVIL OFFENSES	STATUTE
Underage Drinking Offenses <ul style="list-style-type: none"> ▪ Possession, purchase or attempted purchase of malt beverages, or unfortified wine - under 21 ▪ Possession, purchase or attempted purchase of fortified wine, liquor, spirituous liquor, or mixed beverages ▪ Underage consumption of alcoholic beverages 	§18B-302(b)
Motor Vehicle Offenses <ul style="list-style-type: none"> ▪ Driving after Consuming - Under 21 ▪ Provisional License violation 	§ 20-138.3 § 20-11
Underage Tobacco Offenses <ul style="list-style-type: none"> ▪ Purchasing or attempting to purchase tobacco products or cigarette wrapping papers by a minor ▪ Accepting receipt or attempting to accept receipt of tobacco products by a minor 	§14-313(c)
Curfew Violation - related to being a minor - this may be an offense under local municipal code	See local law