



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 2002, 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. **Though compliance with the JJDP Act's detention provisions is not mandatory under North Carolina's laws, law enforcement officers and judicial officials are strongly encouraged to voluntarily comply with the Act.** 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, alcohol, tobacco, or motor vehicle offense that is not a crime as to most adults (*see below*).
3. **Criminal-Type Status Offender:** a juvenile under age 18 who is subject to criminal court jurisdiction for a curfew, alcohol, tobacco, or motor vehicle offense that is not a crime as to most adults (*see below*).
4. **Nonoffender:** a juvenile under age 18 who is subject to juvenile court jurisdiction for reasons of dependency, neglect, or abuse.
5. **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).
6. **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 AND CRIMINAL-TYPE STATUS OFFENSES	STATUTE
Underage Drinking Offenses <ul style="list-style-type: none"> ▪ Underage possession, purchasing, or attempting to purchase malt beverages, or unfortified wine ▪ Underage possession, purchasing, or attempting to purchase 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 by person less than 21 years old after consuming alcohol or drugs ▪ Provisional license violation, learner's permit 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 person under the age of 18 years ▪ Accepting receipt or attempting to accept receipt of tobacco products or cigarette wrapping papers by a person under the age of 18 years 	§14-313(c)
Curfew Violations – related to being a minor – this may be an offense under local municipal code	See local law