

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 674
SENATE BILL 344

AN ACT TO AUTHORIZE THE DISCHARGE OF CLIENTS WHO ESCAPE OR
BREACH THE CONDITION OF RELEASE.

The General Assembly of North Carolina enacts:

Section 1. Part 1 of Article 5 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"§ 122C-205.1. **Discharge of clients who escape or breach the condition of release.**—

(a) As described in G.S. 122C-205(a), when a client of a 24-hour facility escapes or breaches the condition of his release and does not return to the facility, the facility shall:

- (1) If the client was admitted under Part 2 of this Article or under Parts 3 or 4 of this Article to a nonrestrictive facility, discharge the client based on the professional judgment of the responsible professional;
- (2) If the client was admitted under Part 3 or Part 4 of this Article to a restrictive facility, discharge the client when the period for continued treatment, as specified by the court, expires;
- (3) If the client was admitted pending a district court hearing under Part 7 of this Article, request that the court consider dismissal or continuance of the case at the initial district court hearing; or
- (4) If the client was committed under Part 7 of this Article, discharge the client when the commitment expires.

(b) As described in G.S. 122C-205(a), when a client of a 24-hour facility who was admitted under Part 8 of this Article escapes or breaches the conditions of his release and does not return to the facility, the facility may discharge the client from the facility based on the professional judgment of the responsible professional and following consultation with the appropriate area authority or physician.

(c) Upon discharge of the client, the 24-hour facility shall notify all the persons directed to be notified of the client's escape or breach of conditional release under 122C-205(a), (b) and (d) that the client has been discharged.

(d) If the client is returned to the 24-hour facility subsequent to discharge from the facility, applicable admission or commitment procedures shall be followed, when appropriate."

Sec. 2. G.S. 122C-290(b) is amended by adding to the first sentence after "the respondent's compliance" and before", the area authority" the following phrase: "or whose treatment is provided on an inpatient basis is discharged in accordance with G.S. 122C-205.1(b)".

Sec. 3. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 24th day of July, 1987.