

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH90019-LNz-144 (4/6)

Short Title: Involuntary Commitment Warrant Clarification. (Public)

Sponsors: Representative Insko.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT,
3 THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO
4 INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 122C-261(e) reads as rewritten:

7 "(e) Upon receipt of the custody order of the clerk or magistrate or a custody order
8 issued by the court pursuant to G.S. 15A-1003, a law enforcement officer or other
9 person designated in the order shall take the respondent into custody within 24 hours
10 after the order is signed, and proceed according to G.S. 122C-263. The custody order is
11 valid throughout the State."

12 **SECTION 1.(b)** G.S. 122C-281(e) reads as rewritten:

13 "(e) Upon receipt of the custody order of the clerk or magistrate, a
14 law-enforcement officer or other person designated in the order shall take the
15 respondent into custody within 24 hours after the order is signed. The custody order is
16 valid throughout the State."

17 **SECTION 2.(a)** G.S. 122C-265(a) reads as rewritten:

18 "**§ 122C-265. Outpatient commitment; examination and treatment pending**
19 **hearing.**

20 (a) If a respondent, who has been recommended for outpatient commitment by an
21 examining physician or eligible psychologist different from the proposed outpatient
22 treatment physician or center, fails to appear for examination by the proposed outpatient
23 treatment physician or center at the designated time, the physician or center shall notify
24 the clerk of superior court who shall issue an order to a law-enforcement officer or other
25 person authorized under G.S. 122C-251 to take the respondent into custody and take
26 him immediately to the outpatient treatment physician or center for evaluation. The

1 custody order is valid throughout the State. The law-enforcement officer may wait
2 during the examination and return the respondent to his home after the examination."

3 **SECTION 2.(b)** G.S. 122C-273(a)(2) reads as rewritten:

4 "**§ 122C-273. Duties for follow-up on commitment order.**

5 (a) Unless prohibited by Chapter 90 of the General Statutes, if the commitment
6 order directs outpatient treatment, the outpatient treatment physician may prescribe or
7 administer, or the center may administer, to the respondent reasonable and appropriate
8 medication and treatment that are consistent with accepted medical standards.

9 ...

10 (2) If the respondent fails to comply, but does not clearly refuse to
11 comply, with all or part of the prescribed treatment after reasonable
12 effort to solicit the respondent's compliance, the physician, the
13 physician's designee, or the center may request the court to order the
14 respondent taken into custody for the purpose of examination. Upon
15 receipt of this request, the clerk shall issue an order to a
16 law-enforcement officer to take the respondent into custody and to
17 take him immediately to the designated outpatient treatment physician
18 or center for examination. The custody order is valid throughout the
19 State. The law-enforcement officer shall turn the respondent over to
20 the custody of the physician or center who shall conduct the
21 examination and then release the respondent. The law-enforcement
22 officer may wait during the examination and return the respondent to
23 his home after the examination. An examination conducted under this
24 subsection in which a physician or eligible psychologist determines
25 that the respondent meets the criteria for inpatient commitment may be
26 substituted for the first examination required by G.S. 122C-263 if the
27 clerk or magistrate issues a custody order within six hours after the
28 examination was performed.

29"

30 **SECTION 2.(c)** G.S. 122C-290(b) reads as rewritten:

31 "(b) If the respondent whose treatment is provided on an outpatient basis fails to
32 comply with all or part of the prescribed treatment after reasonable effort to solicit the
33 respondent's compliance or whose treatment is provided on an inpatient basis is
34 discharged in accordance with G.S. 122C-205.1(b), the area authority or physician may
35 request the clerk or magistrate to order the respondent taken into custody for the
36 purpose of examination. Upon receipt of this request, the clerk or magistrate shall issue
37 an order to a law enforcement officer to take the respondent into custody and to take
38 him immediately to the designated area authority or physician for examination. The
39 custody order is valid throughout the State. The law enforcement officer shall turn the
40 respondent over to the custody of the physician or area authority who shall conduct the
41 examination and release the respondent or have the respondent taken to a 24-hour
42 facility upon a determination that treatment in the facility will benefit the respondent.
43 Transportation to the 24-hour facility shall be provided as specified in G.S. 122C-251,
44 upon notice to the clerk or magistrate that transportation is necessary, or as provided in

1 G.S. 122C-408(b). If placement in a 24-hour facility is to exceed 45 consecutive days,
2 the area authority or physician shall notify the clerk of court by the 30th day and request
3 a supplemental hearing as specified in G.S. 122C-291."

4 **SECTION 3.** This act is effective when it becomes law.