

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1366

Short Title: Involuntary Commitment Warrant Clarification. (Public)

Sponsors: Representatives Insko; Weiss, Parmon, and Farmer-Butterfield.

Referred to: Rules, Calendar, and Operations of the House.

May 11, 2004

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

(a) If a respondent, who has been recommended for outpatient commitment by an examining physician or eligible psychologist different from the proposed outpatient treatment physician or center, fails to appear for examination by the proposed outpatient treatment physician or center at the designated time, the physician or center shall notify the clerk of superior court who shall issue an order to a law-enforcement officer or other person authorized under G.S. 122C-251 to take the respondent into custody and take him immediately to the outpatient treatment physician or center for evaluation. The custody order is valid throughout the State. The law-enforcement officer may wait during the examination and return the respondent to his home after the examination."

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

1 "§ 122C-273. Duties for follow-up on commitment order.

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

6 ...

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

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

28 "(b) If the respondent whose treatment is provided on an outpatient basis fails to
29 comply with all or part of the prescribed treatment after reasonable effort to solicit the
30 respondent's compliance or whose treatment is provided on an inpatient basis is
31 discharged in accordance with G.S. 122C-205.1(b), the area authority or physician may
32 request the clerk or magistrate to order the respondent taken into custody for the
33 purpose of examination. Upon receipt of this request, the clerk or magistrate shall issue
34 an order to a law enforcement officer to take the respondent into custody and to take
35 him immediately to the designated area authority or physician for examination. The
36 custody order is valid throughout the State. The law enforcement officer shall turn the
37 respondent over to the custody of the physician or area authority who shall conduct the
38 examination and release the respondent or have the respondent taken to a 24-hour
39 facility upon a determination that treatment in the facility will benefit the respondent.
40 Transportation to the 24-hour facility shall be provided as specified in G.S. 122C-251,
41 upon notice to the clerk or magistrate that transportation is necessary, or as provided in
42 G.S. 122C-408(b). If placement in a 24-hour facility is to exceed 45 consecutive days,
43 the area authority or physician shall notify the clerk of court by the 30th day and request
44 a supplemental hearing as specified in G.S. 122C-291."

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