

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1437
SENATE BILL 1132

AN ACT TO PRESCRIBE THE PROCEDURE TO BE FOLLOWED UPON ACQUITTAL
OF A CRIMINAL DEFENDANT ON GROUNDS OF MENTAL ILLNESS.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to G.S. Chapter 122, Article 11, to read as follows:

"§ 122-84.1 **Acquittal of defendant on grounds of mental illness; procedure.** — (a) Upon the acquittal of any criminal defendant on grounds of mental illness, the trial court shall order the defendant held under appropriate restraint pending a hearing on the issue of whether the defendant is mentally ill and imminently dangerous to himself or others, as these terms are defined in Article 5A of this Chapter. The hearing shall be conducted in accordance with the provisions of G.S. 122-58.7 except that the hearing shall be held in a courtroom and need not be closed to the public. Evidence adduced at the trial of the defendant on the criminal charges on the issue of mental illness shall be admissible at the hearing. If the hearing cannot be conducted prior to the termination of the session of court in which the criminal trial was had, it shall be calendared in the district court in the same county within 10 days. If the court finds that the defendant-respondent is mentally ill and imminently dangerous to himself and others, it shall order him committed to a regional psychiatric facility designated by the Division of Mental Health Services for a period of not more than 90 days. The defendant shall thereafter be considered as though he had been committed initially under the provisions of Article 5A of this chapter. If the court finds that the defendant is not mentally ill and imminently dangerous to himself or others, it shall order his discharge.

(b) The provisions of this section supersede those provisions of G.S. 122-84 which prescribe the procedures to be used in the case of a defendant acquitted of a criminal charge by reason of mental illness."

Sec. 2. G.S. 122-86 is repealed.

Sec. 3. This act shall become effective the same day that SB 981, if ratified, becomes effective. If SB 981 is not ratified, this act shall be void and of no effect.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.