

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 696
SENATE BILL 497

AN ACT TO PERMIT DETENTION OF PUBLIC DRUNKS IN CERTAIN
CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. Article 42 of Chapter 14 of the General Statutes is amended by adding thereto a new section, G.S. 14-335.1, to read as follows:

"§ 14-335.1. **Detention of public drunks.** — (a) Any law enforcement officer may take a public drunk into custody for the following purposes:

- (1) Transporting him to his residence; or
 - (2) Transporting him to a detoxification center, or public or private hospital if such is available and willing to admit him; or
 - (3) Transporting him to an official authorized to issue warrants.
- (b) For purpose of this section, "public drunk" means any person who is:
- (1) Intoxicated to the extent of being unconscious or is substantially unable to control himself under the circumstances so as to create a risk of harm to himself or to the public; and
 - (2) Is in a public place.

(c) A law enforcement officer acting pursuant to this section and in good faith shall be exempt from civil and criminal liability arising out of the circumstances of the detention or transportation of the public drunk."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.