

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 25
SENATE BILL 29

AN ACT TO AMEND G.S. 15A-1002 RELATING TO THE DETERMINATION OF A CRIMINAL DEFENDANT'S INCAPACITY TO PROCEED SO AS TO PROTECT THE CONFIDENTIALITY OF THE MEDICAL REPORT AND ASSURE THE PHYSICIAN-PATIENT PRIVILEGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1002 is hereby amended by adding at the end thereof subsection (d), to read as follows:

"(d) Any report made to the court pursuant to this section shall be forwarded to the clerk of superior court in a sealed envelope addressed to the attention of a presiding judge, with a covering statement to the clerk of the fact of the examination of the defendant and any conclusion as to whether the defendant has or lacks capacity to proceed. A copy of the full report shall be forwarded to defense counsel, or to the defendant if he is not represented by counsel. A copy of the covering statement shall be forwarded to the district attorney. Until such report becomes a public record, the full report to the court shall be kept under such conditions as are directed by the court, and its contents shall not be revealed except as directed by the court. Any report made to the court pursuant to this section shall not be a public record unless introduced into evidence."

Sec. 2. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 23rd day of February, 1977.