

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 400
HOUSE BILL 681

AN ACT TO AMEND ARTICLE 5A OF CHAPTER 122 TO PROVIDE FOR THE INVOLUNTARY COMMITMENT OF PERSONS WHO ARE MENTALLY RETARDED AND, BECAUSE OF AN ACCOMPANYING BEHAVIOR DISORDER, ARE IMMINENTLY DANGEROUS TO OTHERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122-58.1 is hereby rewritten to read as follows:

"§ **122-58.1. Declaration of policy.** — It is the policy of this State that no person shall be committed to a mental health facility unless he is mentally ill or an inebriate and imminently dangerous to himself or others, or unless he is mentally retarded and, because of an accompanying behavior disorder, is imminently dangerous to others; that a commitment will be accomplished under conditions that protect the dignity and constitutional rights of the person; and that committed persons will be discharged as soon as a less restrictive mode of treatment is appropriate."

Sec. 2. G.S. 122-58.2 is hereby amended by striking the phrase "inebriety" and "mental illness" on line 1 of subsection (2) and substituting the phrase "inebriate," "mental illness," and "mentally retarded" therefor.

Sec. 3. G.S. 122-58.3 is hereby amended by inserting the phrase ", or who is mentally retarded and, because of an accompanying behavior disorder, is imminently dangerous to others" between the words "others" and "may" on line 2 of subsection (a). Also insert the phrase "or is mentally retarded and, because of an accompanying behavior disorder, is imminently dangerous to others," between the words "others," and "he" on line 3 of subsection (b).

Sec. 4. G.S. 122-58.4 is hereby amended by inserting the phrase "or is not mentally retarded or lacks a behavior disorder which would cause the individual to be imminently dangerous to others," between the words "others," and "the" on line 4 of subsection (c). Also insert the phrase "or is mentally retarded, and because of an accompanying behavior disorder, is imminently dangerous to others," between the words "others," and "the" on line 7 of subsection (c).

Sec. 5. G.S. 122-58.5 is hereby amended by inserting the phrase "or is mentally retarded, and because of an accompanying behavior disorder, is imminently dangerous to others," between the words "others," and "the" on line 3 of that section.

Sec. 6. G.S. 122-58.6 is hereby amended by adding the phrase "or is mentally retarded, and because of an accompanying behavior disorder, is imminently dangerous to others," between the words "others," and "he" on line 5 of subsection (a).

Sec. 7. G.S. 122-58.7 is hereby amended by inserting the phrase "or mentally retarded" between the word "ill" and the comma which immediately follows "ill" on line 1 of subsection (c). Also insert the phrase ", or is mentally retarded, and because of an accompanying behavior disorder, is imminently dangerous to others" between the word "others" and the period which immediately follows "others" on line 3 of subsection (i).

Sec. 8. G.S. 122-58.8 is hereby amended by inserting the phrase ", or is not mentally retarded or lacks a behavior disorder which would cause the individual to be

imminently dangerous to others" between the word "others" and the comma that immediately follows "others" on line 2 of subsection (a). Also insert the phrase "or is mentally retarded, and because of an accompanying behavior disorder, is imminently dangerous to others," between the words "others," and "it" on line 3 of subsection (b).

Sec. 9. G.S. 122-58.11 is hereby amended by inserting the phrase "or is mentally retarded, and because of an accompanying behavior disorder, is imminently dangerous to others," between the words "others," and "and" on line 7 of subsection (d).

Sec. 10. Article 5A of Chapter 122 of the General Statutes is hereby amended by adding a new section immediately following G.S. 122-58.18 to be numbered G.S. 122-58.19 and to read as follows:

"§ 122-58.19. Place of commitment of persons who are mentally retarded, and because of an accompanying behavior disorder, are imminently dangerous to others. — A person who is mentally retarded, and because of an accompanying behavior disorder, is imminently dangerous to others shall be committed, when commitment is deemed proper by the appropriate official pursuant to the provisions of this Article, to a public or private mental health facility designated or licensed by the Division of Mental Health Services. Nothing in this Article shall be construed to permit the commitment of such individual to a regional mental retardation center or a private mental retardation facility."

Sec. 11. G.S. 122-58.12 is hereby amended by striking the phrase "mental illness or inebriety" on line 11 of subsection (a) and substituting the phrase "mental illness, inebriety, or mental retardation with an accompanying behavior disorder" therefor. Also strike out the phrase "mentally ill and inebriate" on line 5 of subsection (a) and substitute the phrase "mentally ill, inebriate, and mentally retarded with an accompanying behavior disorder" therefor.

Sec. 12. G.S. 122-58.2 is hereby amended by adding a new definition to that section which shall immediately follow the sentence "(3) 'Law enforcement officer' means sheriff, deputy sheriff, police officer, and State highway patrolman." and shall read as follows:

"(4) 'Behavior disorder' when used in this Article shall mean a pattern of maladaptive behavior that is recognizable by adolescence or earlier and is characterized by gross outbursts of rage or physical aggression against other persons or property."

Sec. 13. This act shall become effective on July 1, 1977.

In the General Assembly read three times and ratified, this the 17th day of May, 1977.