

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 738
HOUSE BILL 1400

AN ACT TO AMEND ARTICLE 5A OF CHAPTER 122 TO PROVIDE FOR INVOLUNTARY COMMITMENT OF MENTALLY ILL PERSONS TO THE PSYCHIATRIC SERVICE OF THE NORTH CAROLINA MEMORIAL HOSPITAL, AND TO REPEAL ARTICLE 7 OF CHAPTER 122.

Whereas, the language in Article 7 of Chapter 122 pertaining to North Carolina Memorial Hospital is inconsistent with the present involuntary commitment statutes; and

Whereas, the other provisions on judicial hospitalization formerly contained in Article 7 were repealed and replaced by Article 5A of Chapter 122; and

Whereas, there is no longer any necessity for the provisions remaining in Article 7; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article 5A of Chapter 122 is hereby amended by adding a new section thereto to read as follows:

"§ 122-58.19. Commitment of persons to the psychiatric service of North Carolina Memorial Hospital. — Except as otherwise specifically provided in this section, references in this Article to regional mental health facilities shall be deemed to include the psychiatric service of the North Carolina Memorial Hospital at Chapel Hill. Such facility may be used for temporary detention of the respondent pending a district court hearing and for commitment of the respondent subsequent to such a hearing. No person shall be held at or committed to the psychiatric service of the North Carolina Memorial Hospital without the prior approval of the director of the inpatient service or his designee.

Special counsel for respondents as described in G.S. 122-58.12 shall not be appointed for the North Carolina Memorial Hospital. Legal counsel for the respondent at all hearings shall be provided in accordance with G.S. 122-58.7(c). Rehearings for patients committed to the psychiatric service of the North Carolina Memorial Hospital shall be held at the hospital or at the Orange County Courthouse, and counsel for respondents at rehearings shall be assigned from among the members of the bar of the same county."

Sec. 2. Article 7 of Chapter 122 of the General Statutes is hereby repealed.

Sec. 3. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 24th day of June, 1977.