

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 140
SENATE BILL 312

AN ACT TO ALLOW AN INSANITY HEARING FOR A DEFENDANT FOUND NOT GUILTY BY REASON OF INSANITY TO BE HELD IN THE SAME COUNTY AS THE RESPONDENT'S TRIAL WAS HELD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-268.1(b) reads as rewritten:

"(b) The district attorney in the county in which the respondent was found not guilty by reason of insanity may represent the State's interest at the hearing, rehearings, and supplemental rehearings. Notwithstanding the provisions of G.S. 122C-269, if the district attorney elects to represent the State's interest, upon motion of the district attorney, the venue for the hearing, rehearings, and supplemental rehearings shall be the county in which the respondent was found not guilty by reason of insanity. If the district attorney declines to represent the State's interest, then the representation shall be determined as follows. An attorney, who is a member of the staff of the Attorney General assigned to one of the State's facilities for the mentally ill or the psychiatric service of the University of North Carolina Hospitals at Chapel Hill, may represent the State's interest at commitment hearings, rehearings, and supplemental hearings. Alternatively, the Attorney General may, in his discretion, designate an attorney who is a member of his staff to represent the State's interest at any commitment hearing, rehearing, or supplemental hearing."

Sec. 2. The catch line of G.S. 122C-269 reads as rewritten:

"§ 122C-269. Venue of ~~district court~~ hearing when respondent held at a 24-hour facility pending hearing."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives