

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1428

Short Title: Modify Involuntary Commitment Law/LME Control. (Public)

Sponsors: Senator Atwater.

Referred to: Health Care.

March 26, 2007

1 A BILL TO BE ENTITLED

2 AN ACT TO MAKE MODIFICATIONS TO THE LAWS RELATED TO
3 INVOLUNTARY COMMITMENTS IN ORDER TO GIVE LOCAL
4 MANAGEMENT ENTITIES MORE CONTROL OVER STATE PSYCHIATRIC
5 HOSPITAL UTILIZATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-263(a) reads as rewritten:

8 "(a) Without unnecessary delay after assuming custody, the law enforcement
9 officer or the individual designated by the clerk or magistrate under G.S. 122C-251(g)
10 to provide transportation shall take the respondent to an area facility for examination by
11 a physician or eligible ~~psychologist~~; if psychologist. If a physician or eligible
12 psychologist is not available in the area facility, the person designated to provide
13 transportation shall take the respondent to any physician or eligible psychologist locally
14 available. If a physician or eligible psychologist is not immediately available, the
15 respondent may be temporarily detained in an area ~~facility, if one is available;~~ if facility.
16 If an area facility is not available, the respondent may be detained under appropriate
17 supervision in the respondent's home, in a private hospital or a clinic, in a general
18 hospital, or in a State facility for the ~~mentally ill, but not~~ mentally ill. In no event may a
19 respondent be detained in a jail or other penal facility."

20 **SECTION 2.** This act is effective when it becomes law.