

February 19, 2009

**H 243. MENTAL HEALTH/LAW ENFORCEMENT CUSTODY.** Filed 2/19/09. *TO CLARIFY THE TRANSPORTATION AND CUSTODY REQUIREMENTS WHEN LAW ENFORCEMENT OFFICERS TRANSPORT AN INDIVIDUAL PURSUANT TO INVOLUNTARY COMMITMENT PROCEEDINGS.*

Amends GS 122C-263 to require that if, during the first commitment examination of the respondent, a physician or eligible psychologist finds that a respondent subject to involuntary commitment proceedings is in need of evaluation and treatment prior to transport to a 24-hour state facility or facility licensed under Chapter 122C or hospital licensed under Chapter 131E, a law enforcement officer, or other person authorized under GS 122C-251(g), must transport a respondent to a licensed medical hospital for evaluation and treatment for a period not to exceed 5 days

Provides that the hospital may be the same hospital where the first examination is performed. Provides that the custody order is in effect for that five day period and must be maintained pursuant to a plan adopted in accordance with GS 122C-251(g). Requires transport to a 24-hour facility once the respondent can be transported safely and received by that facility. If the need for evaluation and treatment exceeds five days then the physician must notify the clerk of court and commitment proceedings are then terminated. Provides that a physician or eligible psychologist, other than the physician who completed the first examination recommending commitment, may notify the clerk that commitment proceedings should be terminated or that a hearing to determine whether an outpatient commitment order should be issued if the respondent no longer meets the criteria for inpatient commitment. Makes conforming changes to GS 122C-251. Effective October 1, 2009.

**Intro. by Insko.**

GS 122C

May 11, 2009

**H 243. MENTAL HEALTH/LAW ENFORCEMENT CUSTODY.** Filed 2/19/09. House committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO CLARIFY THE AUTHORITY OF NONLAW ENFORCEMENT PERSONNEL DESIGNATED BY A CITY OR COUNTY TO PROVIDE TRANSPORTATION OR CUSTODY UNDER INVOLUNTARY COMMITMENT PROCEEDINGS; TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE.* Clarifies that (1) the responsibility of law enforcement or other designated personnel to provide all or parts of transportation and custody of a respondent under GS 122C-251 must not be construed to mean that these personnel are responsible or liable for the cost of examination or treatment provided to a respondent and (2) the subsection must not be construed to change existing liability for the cost of examination and treatment. Amends GS 122C-261(d) to provide for the temporary detention and, upon further examination, release of a respondent under GS 122C-263(d)(2) in the event that a 24-hour facility is not immediately available or appropriate to the respondent's medical condition. Amends GS 122C-263(d)(2) to provide specific procedures for the temporary detention and release of respondents from the site of the first examination under certain conditions. Requires that if the respondent continues to meet the criteria for inpatient commitment during temporary detention, but a 24-hour facility is not available or medically appropriate seven days after the issuance of the custody order, a physician or psychologist must report to the clerk of superior court and the proceedings terminated (was, previous edition provided for a five-day period in which the custody order remained in effect for medical evaluation and treatment prior to transport to a 24-hour facility). Makes technical changes.

May 13, 2009

**H 243. MENTAL HEALTH/LAW ENFORCEMENT CUSTODY.** Filed 2/29/09. House committee substitute makes the following changes to 2nd edition. Changes title to *AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE.* Deletes proposed amendment to GS 122C-

251(which would have amended the custody and transportation provisions of GS 122C-251). Deletes from the language amending GS 122C-263(d)(2) (dealing with situation where a 24-hour facility is not available or appropriate to the respondent-patient's medical condition and the respondent-patient is detained at the site of first examination) the phrase, "and the custody order remains in effect."

May 14, 2009

**H 243. MENTAL HEALTH/LAW ENFORCEMENT CUSTODY.** Filed 2/19/09. House amendment makes the following changes to 3rd edition. Provides that if a respondent meets inpatient commitment criteria but a 24-hour facility is not available or medically appropriate seven days after issuance of the custody order, the proceedings must be terminated because, in part, the respondent will not be transported to the 24-hour facility in time for a hearing to be scheduled and held within 10 days of being taken into custody. The amendment adds language requiring new proceedings for involuntary commitment to be initiated for respondents who continue to meet the criteria for inpatient commitment.

June 24, 2009

**H 243. MENTAL HEALTH LAW ENFORCEMENT CUSTODY.** Filed 2/19/09. Senate committee substitute makes the following changes to 4th edition. Provides in proposed amended GS 122C-263(d)(2) that if a respondent is temporarily detained (was, continues to meet criteria for inpatient commitment) and a 24-hour facility is not available or medically appropriate seven days after the issuance of the custody order, the physician or psychologist must report that fact to the clerk of court and the proceedings are terminated. Also deletes that new involuntary commitment proceedings are then required to be initiated.

June 29, 2009

**H 243. MENTAL HEALTH/LAW ENFORCEMENT CUSTODY.** Filed 2/19/09. Senate amendment makes the following changes to 5th edition. Amends GS 122C-263(d)(2) to provide that the termination of inpatient commitment proceedings does not bar the initiation of new involuntary commitment proceedings when appropriate. However, prohibits the use of affidavits filed in support of the previously terminated commitment proceedings to support the new involuntary commitment proceedings. Provides that if the person who initiates the new commitment proceedings is a physician or eligible psychologist, that person must conduct a new examination and may not rely upon examinations that were conducted as a part of the proceedings that were previously terminated under this subdivision.

July 27, 2009

**SL 2009-340 (H 243). MENTAL HEALTH/LAW ENFORCEMENT CUSTODY. AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE.** Summarized in *Daily Bulletin* 2/19/09, 5/11/09, 5/13/09, 5/14/09, 6/24/09, and 6/29/09. Enacted July 24, 2009. Section 3 is effective July 1, 2009. The remainder is effective October 1, 2009.