

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 908
Committee Substitute Favorable 4/29/25

Short Title: Modify Civil Commitment Hearing Procedures.

(Public)

Sponsors:

Referred to:

April 14, 2025

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE PROCEDURES RELATED TO NOTICE AND VENUE FOR
CIVIL COMMITMENT HEARINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-268(c) reads as rewritten:

"(c) If the respondent's custody order indicates that ~~he~~the respondent was charged with a violent crime, including a crime involving an assault with a deadly weapon, and that ~~he~~the respondent was found incapable of proceeding, the clerk shall give notice of the time and place of the hearing to the chief district judge and the district attorney in the county in which the defendant was found incapable of proceeding as provided in G.S. 122C-264(d). The district attorney in the county in which the respondent was found incapable of proceeding may represent the State's interest at the hearing. 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 incapable of proceeding."

SECTION 2. G.S. 122C-277(b) reads as rewritten:

"(b) If the respondent was initially committed as the result of conduct resulting in ~~his~~the respondent being charged with a violent crime, including a crime involving an assault with a deadly weapon, and respondent was found incapable of proceeding, 15 days before the respondent's discharge or conditional release the ~~attending physician shall notify facility shall~~ notify the district attorney of the district where the respondent was found incapable of proceeding and the clerk of superior court of the county in which the facility is located of his or her determination regarding the proposed discharge or conditional release. The clerk shall then schedule a rehearing to determine the appropriateness of respondent's release under the standards of commitment set forth in G.S. 122C-271(b). The clerk shall give notice as provided in G.S. 122C-264(d). The district attorney of the district where respondent was found incapable of proceeding may represent the State's interest at the hearing. 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 incapable of proceeding."

SECTION 3. This act is effective when it becomes law and applies to commitment hearings initiated on or after that date.

