

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 307

AMENDMENT NO. **A1**
(to be filled in by
Principal Clerk)

H307-ASA-58 [v.1]

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Amends Title [YES]
Third Edition

Date _____, 2025

Senator Britt

1 moves to amend the bill on page 1, line 13,
2 by inserting the following at the end of the line before the period:
3 "AND TO REQUIRE CERTAIN INVOLUNTARY COMMITMENT RESPONDENTS TO
4 REMAIN IN CUSTODY PENDING HEARING";

5
6 And on page 6, line 41, by rewriting that line to read:
7 "defendant who has been convicted of three or more offenses in separate sessions of court, each
8 of which is a Class 1";

9
10 And on page 17, lines 22-23, by inserting the following between those lines:

11 **"REQUIRE AUTHORIZATION FOR RELEASE OF VIOLENT INVOLUNTARY**
12 **COMMITMENT RESPONDENTS PRIOR TO HEARING**

13 **SECTION 9.5.(a) G.S. 122C-266 reads as rewritten:**

14 **"§ 122C-266. Inpatient commitment; second examination and treatment pending hearing.**
15 (a) Except as provided in subsections ~~(b)~~(b), (b1), and (e), within 24 hours of arrival at a
16 24-hour facility described in G.S. 122C-252, the respondent shall be examined by a physician.
17 This physician shall not be the same physician who completed the certificate or examination
18 under the provisions of G.S. 122C-262 or G.S. 122C-263. The examination shall include but is
19 not limited to the assessment specified in G.S. 122C-263(c).

20 (1) If the physician finds that the respondent is mentally ill and is dangerous to
21 self, as defined by G.S. 122C-3(11)a., or others, as defined by
22 G.S. 122C-3(11)b., the physician shall hold the respondent at the facility
23 pending the district court hearing.

24 (2) If the physician finds that the respondent meets the criteria for outpatient
25 commitment under G.S. 122C-263(d)(1), the physician shall show these
26 findings on the physician's examination report, release the respondent pending
27 the district court hearing, and notify the clerk of superior court of the county
28 where the petition was initiated of these findings. In addition, the examining
29 physician shall show on the examination report the name, address, and
30 telephone number of the proposed outpatient treatment physician or center.
31 The physician shall give the respondent a written notice listing the name,
32 address, and telephone number of the proposed outpatient treatment physician



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1 or center and directing the respondent to appear at that address at a specified
2 date and time. The examining physician before the appointment shall notify
3 by telephone and shall send a copy of the notice and the examination report to
4 the proposed outpatient treatment physician or center.

5 (3) If the physician finds that the respondent does not meet the criteria for
6 commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the
7 physician shall release the respondent and the proceedings shall be terminated.

8 (4) If the respondent is released under subdivisions (2) or (3) of this subsection,
9 the law enforcement officer or other person designated to provide
10 transportation shall return the respondent to the respondent's residence in the
11 originating county or, if requested by the respondent, to another location in
12 the originating county.

13 (a1) The second examination of a respondent required by subsection (a) of this section to
14 determine whether the respondent will be involuntarily committed due to mental illness may be
15 conducted either in the physical face-to-face presence of a physician or utilizing telehealth
16 equipment and procedures, provided that the physician who examines the respondent by means
17 of telehealth is satisfied to a reasonable medical certainty that the determinations made in
18 accordance with subdivisions (a)(1) through (a)(3) of this section would not be different if the
19 examination had been done in the physical presence of the examining physician. An examining
20 physician who is not so satisfied shall note that the examination was not satisfactorily
21 accomplished, and the respondent shall be taken for a face-to-face examination in the physical
22 presence of a physician. As used in this section, "telehealth" means the use of two-way, real-time
23 interactive audio and video where the respondent and commitment examiner can hear and see
24 each other.

25 (b) If the custody order states that the respondent was charged with a violent crime,
26 including a crime involving assault with a deadly weapon, and that he was found incapable of
27 proceeding, the physician shall examine him as set forth in subsection (a) of this section.
28 However, the physician may not release him from the facility until ordered to do so following
29 the district court hearing.

30 (b1) If the custody order states that the respondent has had a conviction for a violent
31 offense, as defined in G.S. 15A-531, within the previous 10 years, and has been subject to a prior
32 order of involuntary commitment within the previous five years, the physician shall examine the
33 respondent as set forth in subsection (a) of this section. However, the physician may not release
34 the respondent from the facility until one of the following criteria are met:

35 (1) The court has ordered the respondent's release following the district court
36 hearing.

37 (2) Both of the following has occurred:

38 a. The physician has provided written certification to the court of all of
39 the following:

40 1. The imminent risk has been remitted.

41 2. Any necessary follow-up appointments or medications have
42 been arranged or provided.

43 3. Any necessary safety plan or housing plan is in place.

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1 4. Reasonable efforts have been made to contact the next of kin
 2 or a designated support person for the respondent.

3 b. A district court judge has issued an order authorizing release prior to
 4 the district court hearing.

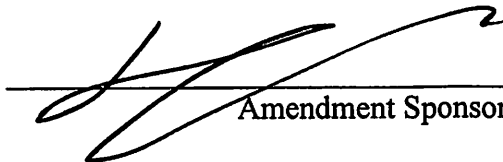
5 (c) The findings of the physician and the facts on which they are based shall be in writing,
 6 in all cases. A copy of the findings shall be sent to the clerk of superior court (i) through the
 7 electronic filing system, if the county has implemented a system approved by the Director of the
 8 Administrative Office of the Courts, or (ii) by the most reliable and expeditious means otherwise
 9 available.

10 (d) Pending the district court hearing, the physician attending the respondent may
 11 administer to the respondent reasonable and appropriate medication and treatment that is
 12 consistent with accepted medical standards. Except as provided in subsection (b) of this section,
 13 if at any time pending the district court hearing, the attending physician determines that the
 14 respondent no longer meets the criteria of either G.S. 122C-263(d)(1) or (d)(2), he shall release
 15 the respondent and notify the clerk of court and the proceedings shall be terminated.

16 (e) If the 24-hour facility described in G.S. 122C-252 or G.S. 122C-262 is the facility in
 17 which the first examination by a physician or eligible psychologist occurred and is the same
 18 facility in which the respondent is held, the second examination shall occur not later than the
 19 following regular working day."

20 **SECTION 9.5.(b)** This section becomes effective December 1, 2025, and applies to
 21 custody orders issued on or after that date. " , Jx

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED

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and vote information, is available in the
Senate Principal Clerk's Office**