



HOUSE BILL 908: Modify Civil Commitment Hearing Procedures.

2025-2026 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2025
Introduced by:	Rep. Greene	Prepared by:	Michael Johnston
Analysis of:	PCS to First Edition H908-CSCN-4		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 908 would do the following:*

- *Provide notice of certain commitment hearings to the chief district judge and the district attorney in the county in which a criminal defendant was found incapable of proceeding to trial.*
- *Authorize district attorneys to request that the venue for certain commitment hearings be the county in which the defendant was found incapable of proceeding to trial.*

CURRENT LAW: Article 56 of Chapter 15A of the General Statutes provides that no person can be convicted or sentenced for a crime if, by reason of mental illness or defect, the person is unable to understand the nature of the proceedings, to comprehend the person's situation in reference to the proceedings, or to rationally assist in the person's own defense. If the court finds a criminal defendant incapable of proceeding, the court must determine whether the defendant meets the criteria for involuntary civil commitment under Part 7 of Article 5 of Chapter 122C of the General Statutes.

Generally, an individual can be subject to involuntary inpatient commitment if the individual has a mental illness and is dangerous to self or others. Part 7 of Article 5 of Chapter 122C of the General Statutes provides the procedures for involuntary commitment based on mental illness, including when notice of a commitment hearing must be provided to the district attorney. If a committed defendant was initially charged with a violent crime, the district attorney generally has the right to represent the State's interest at the commitment hearing.

BILL ANALYSIS:

Section 1 of the PCS would do the following:

- Modify G.S. 122C-268, which governs district court hearings for inpatient commitments, to require the clerk to provide notice of the hearing to the chief district judge and the district attorney in the county in which the defendant was found incapable of proceeding if the defendant's custody order indicates that the defendant was charged with a violent crime.
- Provide that if the district attorney elects to represent the State's interest at the hearing, the district attorney can request that the venue for the hearing be the county in which the defendant was found incapable of proceeding.

Section 2 of the PCS would do the following:

- Modify G.S. 122C-277, which governs release from involuntary inpatient commitment, to require the inpatient facility to notify the district attorney of the district where the defendant was found

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

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incapable of proceeding if the facility intends to release a defendant who was initially charged with a violent crime.

- Provide that if the district attorney elects to represent the State's interest at a hearing pursuant to G.S. 122C-277(b), the district attorney can request that the venue for the hearing be the county in which the defendant was found incapable of proceeding.

EFFECTIVE DATE: This act would be effective when it becomes law and would apply to commitment hearings initiated on or after that date.