



CHAPTER 122C

ARTICLE 5 - PROCEDURES FOR ADMISSION AND DISCHARGE OF CLIENTS

N.C.G.S. § 122C-264.

Duties of clerk of superior court and the district attorney.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2018-33, s. 26 — fifteenth act in the lineage	21 September 2026, 05:36 UTC	a973b217774828fe0fb67f9e - c371756ea4ebb1303b4e42c0 - ca9d49269c8c24e3

- § 122C-264(a)** Upon receipt of a commitment examiner's finding that the respondent meets the criteria of G.S. 122C-263(d)(1) and that outpatient commitment is recommended, the clerk of superior court of the county where the petition was initiated, upon direction of a district court judge, shall calendar the matter for hearing and shall notify the respondent, the proposed outpatient treatment physician or center, and the petitioner of the time and place of the hearing. The petitioner may file a written waiver of his right to notice under this subsection with the clerk of court.
- § 122C-264(b)** Upon receipt by the clerk of superior court pursuant to G.S. 122C-266(c) of a commitment examiner's finding that a respondent meets the criteria of G.S. 122C-263(d)(2) and that inpatient commitment is recommended, the clerk of superior court of the county where the 24-hour facility is located shall, after determination required by G.S. 122C-261(c) and upon direction of a district court judge, assign counsel if necessary, calendar the matter for hearing, and notify the respondent, his counsel, and the petitioner of the time and place of the hearing. The petitioner or respondent, directly or through counsel, may file a written waiver of the right to notice under this subsection with the clerk of court.
- § 122C-264(b1)** Upon receipt of a commitment examiner's certificate that a respondent meets the criteria of G.S. 122C-261(a) and that immediate hospitalization is needed pursuant to G.S. 122C-262, the clerk of superior court of the county where the treatment facility is located shall submit the certificate to the Chief District Court Judge. The court shall review the certificate within 24 hours, excluding Saturday, Sunday, and holidays, for

a finding of reasonable grounds in accordance with [G.S.] 122C-261(b). The clerk shall notify the treatment facility of the court's findings by telephone and shall proceed as set forth in subsections (b), (c), and (f) of this section.

§ 122C-264(c) Notice to the respondent, required by subsections (a) and (b) of this section, shall be given as provided in G.S. 1A-1, Rule 4(j) at least 72 hours before the hearing. Notice to other individuals shall be sent at least 72 hours before the hearing by first-class mail postage prepaid to the individual's last known address. G.S. 1A-1, Rule 6 shall not apply.

§ 122C-264(d) In cases described in G.S. 122C-266(b) in addition to notice required in subsections (a) and (b) of this section, the clerk of superior court shall notify the chief district judge and the district attorney in the county in which the defendant was found incapable of proceeding. The notice shall be given in the same way as the notice required by subsection (c) of this section. The judge or the district attorney may file a written waiver of his right to notice under this subsection with the clerk of court.

§ 122C-264(d1) For hearings and rehearings pursuant to G.S. 122C-268.1 and G.S. 122C-276.1, the clerk of superior court shall calendar the hearing or rehearing and shall notify the respondent, his counsel, counsel for the State, and the district attorney involved in the original trial. The notice shall be given in the same manner as the notice required by subsection (c) of this section. Upon receipt of the notice, the district attorney shall notify any persons he deems appropriate, including anyone who has filed with his office a written request for notification of any hearing or rehearing concerning discharge or conditional release of a respondent. Notice sent by the district attorney shall be by first-class mail to the person's last known address.

§ 122C-264(e) Repealed by Session Laws 2017-158, s. 21, effective July 21, 2017.

§ 122C-264(f) The clerk of superior court of the county where inpatient commitment hearings and rehearings are held shall provide all notices, send all records and maintain a record of all proceedings as required by this Part; provided that if the respondent has been committed to a 24-hour facility in a county other than his county of residence and the district court hearing is held in the county of the facility, the clerk of superior court in the county of the facility shall forward the record of the proceedings to the clerk of superior court in the county of respondent's residence, where they shall be maintained by receiving clerk.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

15 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1973	c. 1408, s. 1	ENACTED
02	1977	c. 400, s. 5	AMENDED
03	1977	c. 414, s. 1	AMENDED
04	1979	c. 915, s. 5	AMENDED
05	1983	c. 380, s. 9	AMENDED
06	1983	c. 638, ss. 8, 16	AMENDED
07	1983	c. 864, s. 4	AMENDED
08	1985	c. 589, s. 2	AMENDED
09	1985	c. 695, s. 7	AMENDED
10	1985	1985 (Reg. Sess., 1986), c. 863, s. 19	AMENDED
11	1987	c. 596, s. 2	AMENDED
12	1991	c. 37, s. 4	AMENDED
13	1991	1995 (Reg. Sess., 1996), c. 739, s. 9	AMENDED
14	2017	S.L. 2017-158, s. 21	AMENDED
15	2018	S.L. 2018-33, s. 26	AMENDED

APPARATUS II

10 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 122C-263(d)(1)	(a)	"the respondent meets the criteria of"

G.S. 122C-266(c)	(b)	"clerk of superior court pursuant to"
G.S. 122C-263(d)(2)	(b)	"a respondent meets the criteria of"
G.S. 122C-261(c)	(b)	"located shall, after determination required by"
G.S. 122C-261(a)	(b1)	"a respondent meets the criteria of"
G.S. 122C-262	(b1)	"immediate hospitalization is needed pursuant to"
G.S. 1A-1	(c)	"shall be given as provided in"
G.S. 122C-266(b)	(d)	"In cases described in"
G.S. 122C-268.1	(d1)	"For hearings and rehearings pursuant to"
G.S. 122C-276.1	(d1)	"rehearings pursuant to G.S. 122C-268.1 and"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 122C-264 (2018).

PINPOINT

N.C. Gen. Stat. § 122C-264(a) (2018).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 1408, s. 1; 1977, c. 400, s. 5; c. 414, s. 1; 1979, c. 915, s. 5; 1983, c. 380, s. 9; c. 638, ss. 8, 16; c. 864, s. 4; 1985, c. 589, s. 2; c. 695, s. 7; 1985 (Reg. Sess., 1986), c. 863, s. 19; 1987, c. 596, s. 2; 1991, c. 37, s. 4; 1995 (Reg. Sess., 1996), c. 739, s. 9; 2017-158, s. 21; 2018-33, s. 26.)

