



CHAPTER 122C

ARTICLE 5 - PROCEDURES FOR ADMISSION AND DISCHARGE OF CLIENTS

N.C.G.S. § 122C-276.

Inpatient commitment; rehearings for respondents other than insanity acquittees.

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. 31 — eleventh act in the lineage	21 September 2026, 04:18 UTC	ac7745829b9fe7a7fbde7844 - 38be94af623a8e773ba395c5 - c8043429005b61ac

§ 122C-276(a) Fifteen days before the end of the initial inpatient commitment period if the attending physician determines that commitment of a respondent beyond the initial period will be necessary, he shall so notify the clerk of superior court of the county in which the facility is located. The clerk, at least 10 days before the end of the initial period, on order of a district court judge of the district court district as defined in G.S. 7A-133 in which the facility is located, shall calendar the rehearing. If the respondent was initially committed as the result of conduct resulting in his being charged with a violent crime, including a crime involving an assault with a deadly weapon, and respondent was found incapable of proceeding, the clerk shall also notify the chief district court judge, the clerk of superior court, and the district attorney in the county in which the respondent was found incapable of proceeding of the time and place of the hearing.

§ 122C-276(b) Fifteen days before the end of the initial treatment period of a respondent who was initially committed as a result of conduct resulting in his being charged with a violent crime, including a crime involving an assault with a deadly weapon, having been found incapable of proceeding, if the attending physician determines that commitment of the respondent beyond the initial period will not be necessary, he shall so notify the clerk of superior court who shall schedule a rehearing as provided in subsection (a) of this section.

§ 122C-276(c) Subject to the provisions of G.S. 122C-269(c), rehearings shall be held as authorized in G.S. 122C-268(g). The judge is a judge of the district court of the district court

district as defined in G.S. 7A-133 in which the facility is located or a district court judge temporarily assigned to that district.

§ 122C-276(d) Notice and proceedings of rehearings are governed by the same procedures as initial hearings and the respondent has the same rights he had at the initial hearing including the right to appeal.

§ 122C-276(e) At rehearings the court may make the same dispositions authorized in G.S. 122C-271(b) except a second commitment order may be for an additional period not in excess of 180 days.

§ 122C-276(f) Fifteen days before the end of the second commitment period and annually thereafter, the attending physician shall review and evaluate the condition of each respondent; and if he determines that a respondent is in continued need of inpatient commitment or, in the alternative, in need of outpatient commitment, or a combination of both, he shall so notify the respondent, his counsel, and the clerk of superior court of the county, in which the facility is located. Unless the respondent through his counsel files with the clerk a written waiver of his right to a rehearing, the clerk, on order of a district court judge of the district in which the facility is located, shall calendar a rehearing for not later than the end of the current commitment period. The procedures and standards for the rehearing are the same as for the first rehearing. No third or subsequent inpatient recommitment order shall be for a period longer than one year.

§ 122C-276(g) At any rehearings the court has the option to order outpatient commitment for a period not in excess of 180 days in accordance with the criteria specified in G.S. 122C-263(d)(1) and following the procedures as specified in this Article.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
11 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.



01	1973	c. 726, s. 1	ENACTED
02	1973	c. 1408, s. 1	AMENDED
03	1977	c. 400, s. 9	AMENDED
04	1979	c. 915, ss. 9, 17	AMENDED
05	1981	c. 537, ss. 2-4	AMENDED
06	1983	c. 638, ss. 18, 19	AMENDED
07	1983	c. 864, s. 4	AMENDED
08	1985	c. 589, s. 2	AMENDED
09	1985	1987 (Reg. Sess., 1988), c. 1037, s. 116	AMENDED
10	1991	c. 37, s. 5	AMENDED
11	2018	S.L. 2018-33, s. 31	AMENDED

APPARATUS II
5 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. 7A-133	(a)	<i>"district court district as defined in"</i>
G.S. 122C-269(c)	(c)	<i>"Subject to the provisions of"</i>
G.S. 122C-268(g)	(c)	<i>"shall be held as authorized in"</i>
G.S. 122C-271(b)	(e)	<i>"make the same dispositions authorized in"</i>
G.S. 122C-263(d)(1)	(g)	<i>"accordance with the criteria specified in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 122C-276 (2018).

PINPOINT

N.C. Gen. Stat. § 122C-276(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

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 726, s. 1; c. 1408, s. 1; 1977, c. 400, s. 9; 1979, c. 915, ss. 9, 17; 1981, c. 537, ss. 2-4; 1983, c. 638, ss. 18, 19; c. 864, s. 4; 1985, c. 589, s. 2; 1987 (Reg. Sess., 1988), c. 1037, s. 116; 1991, c. 37, s. 5; 2018-33, s. 31.)

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