



CHAPTER 122C
ARTICLE 5 - PROCEDURES FOR ADMISSION AND DISCHARGE OF CLIENTS

N.C.G.S. § 122C-277.

Release and conditional release; judicial review.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-93, s. 7(d) — ninth act in the lineage	21 September 2026, 04:55 UTC	43a2d3acac1d2b63cadca076 - 06a7800d40b24a9ea2b068ac - e59d077a486d8e3a

- § 122C-277(a)

Except as provided in subsections (b) and (b1) of this section, the attending physician shall discharge a committed respondent unconditionally at any time he determines that the respondent is no longer in need of inpatient commitment. However, if the attending physician determines that the respondent meets the criteria for outpatient commitment as defined in G.S. 122C-263(d)(1), he may request the clerk to calendar a supplemental hearing to determine whether an outpatient commitment order shall be issued. Except as provided in subsections (b) and (b1) of this section, the attending physician may also release a respondent conditionally for periods not in excess of 30 days on specified medically appropriate conditions. Violation of the conditions is grounds for return of the respondent to the releasing facility. A law-enforcement officer, on request of the attending physician, shall take a conditional releasee into custody and return him to the facility in accordance with G.S. 122C-205. Notice of discharge and of conditional release shall be furnished to the clerk of superior court of the county of commitment and of the county in which the facility is located.
- § 122C-277(b)

If the respondent was initially committed as the result of conduct resulting in 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 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 the attending physician's 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. Notwithstanding the provisions of G.S. 122C-269, 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.

§ 122C-277(b1)

If the respondent was initially committed pursuant to G.S. 15A-1321, 15 days before the respondent's discharge or conditional release the attending physician shall notify the clerk of superior court. The clerk shall calendar a hearing and shall give notice as provided by G.S. 122C-264(d1). The district attorney for the original trial may represent the State's interest at the hearing. The hearing shall be conducted under the standards and procedures set forth in G.S. 122C-268.1. Provided, that in no event shall discharge or conditional release under this section be allowed for a respondent during the period from automatic commitment to hearing under G.S. 122C-268.1.

§ 122C-277(c)

If a committed respondent under subsections (a), (b), or (b1) of this section is from a single portal area, the attending physician shall plan jointly with the area authority as prescribed in the area plan before discharging or releasing the respondent.

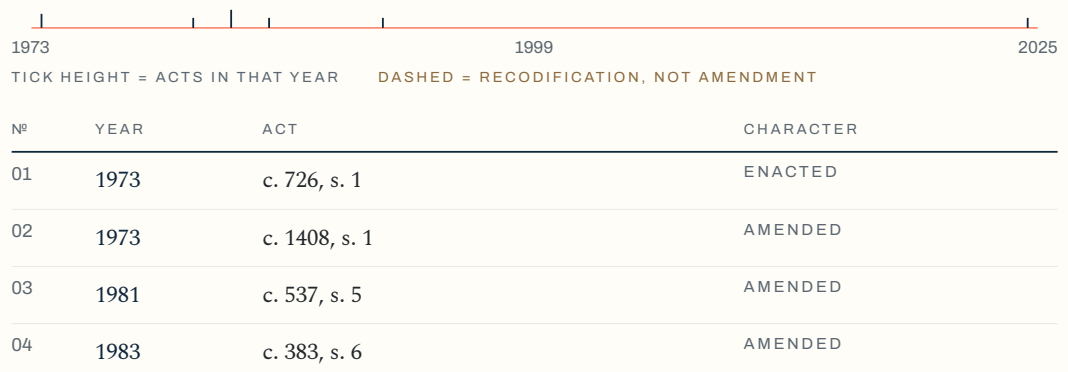
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 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.



05	1983	c. 638, s. 21	AMENDED
06	1983	c. 864, s. 4	AMENDED
07	1985	c. 589, s. 2	AMENDED
08	1991	c. 37, s. 6	AMENDED
09	2025	S.L. 2025-93, s. 7(d)	AMENDED

APPARATUS II
8 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)	"for outpatient commitment as defined in"
G.S. 122C-205	(a)	"to the facility in accordance with"
G.S. 122C-271(b)	(b)	"standards of commitment set forth in"
G.S. 122C-264(d)	(b)	"shall give notice as provided in"
G.S. 122C-269	(b)	"the hearing. Notwithstanding the provisions of"
G.S. 15A-1321	(b1)	"respondent was initially committed pursuant to"
G.S. 122C-264(d1)	(b1)	"shall give notice as provided by"
G.S. 122C-268.1	(b1)	"standards and procedures set forth in"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 122C-277 (2025).

PINPOINT
N.C. Gen. Stat. § 122C-277(a) (2025).

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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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. 726, s. 1; c. 1408, s. 1; 1981, c. 537, s. 5; 1983, c. 383, s. 6; c. 638, s. 21; c. 864, s. 4; 1985, c. 589, s. 2; 1991, c. 37, s. 6; 2025-93, s. 7(d).)

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