



CHAPTER 122C

ARTICLE 5 - PROCEDURES FOR ADMISSION AND DISCHARGE OF CLIENTS

N.C.G.S. § 122C-313.

Inmate becoming mentally ill and dangerous to himself or others.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2021-180, s. 19C.9(p) — nineteenth act in the lineage	21 September 2026, 03:33 UTC	4744a70cd16de3d72e045b30 - 7eec033b1549f73f0aa2ae25 - ec94e167e753584c

- § 122C-313(a)** An inmate who becomes mentally ill and dangerous to himself or others after incarceration in any facility operated by the Division of Prisons of the Department of Adult Correction in the State is processed in accordance with Part 7 of this Article, as modified by this section, except when the provisions of Part 7 are manifestly inappropriate. A staff psychiatrist or eligible psychologist of the correctional facility shall execute the affidavit required by G.S. 122C-261 and send it to the clerk of superior court of the county in which the correctional facility is located. Upon receipt of the affidavit, the clerk shall calendar a district court hearing and notify the respondent and his counsel as required by G.S. 122C-284(a). The hearing is conducted in a district courtroom. If the judge finds by clear, cogent, and convincing evidence that the respondent is mentally ill and dangerous to himself or others, he shall order him transferred for treatment to a State facility designated by the Secretary. The judge shall not order outpatient commitment for an inmate-respondent.
- § 122C-313(b)** If the sentence of an inmate-respondent expires while he is committed to a State facility, he is considered in all respects as if he had been initially committed under Part 7 of this Article.
- § 122C-313(c)** If the sentence of an inmate-respondent has not expired, and if in the opinion of the attending physician of the State facility an inmate-respondent ceases to be mentally ill and dangerous to himself or others, he shall notify the Division of Prisons of the Department of Adult Correction which shall arrange for the inmate-respondent's return to a correctional facility.

§ 122C-313(d) Special counsel at a State facility shall represent any inmate who becomes mentally ill and dangerous to himself or others while confined in a correctional facility in the same county, otherwise counsel is assigned in accordance with G.S. 122C-270(d).

§ 122C-313(e) The Division of Prisons of the Department of Adult Correction is responsible for the security and cost of transporting inmates to and from State facilities under the provisions of this section.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
19 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	1899	c. 1, s. 66	ENACTED
02	Rev.	s. 4619	RECODIFIED
03	C.S.	s. 6238	RECODIFIED
04	1923	c. 165, s. 55	AMENDED
05	1945	c. 952, s. 55	AMENDED
06	1955	c. 887, s. 14	AMENDED
07	1957	c. 1232, s. 26	AMENDED
08	1963	c. 1184, s. 27	AMENDED
09	1965	c. 800, s. 13	AMENDED
10	1973	c. 253, s. 3	AMENDED
11	1973	c. 1433	AMENDED
12	1977	c. 679, s. 8	AMENDED
13	1979	c. 358, s. 27	AMENDED
14	1979	c. 915, s. 11	AMENDED
15	1985	c. 589, s. 2	AMENDED

16	1985	c. 695, s. 2	AMENDED
17	2011	S.L. 2011-145, s. 19.1(h)	AMENDED
18	2017	S.L. 2017-186, s. 2(ppppp)	AMENDED
19	2021	S.L. 2021-180, s. 19C.9(p)	AMENDED

APPARATUS II
3 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-261	(a)	<i>"shall execute the affidavit required by"</i>
G.S. 122C-284(a)	(a)	<i>"and his counsel as required by"</i>
G.S. 122C-270(d)	(d)	<i>"counsel is assigned in accordance with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 122C-313 (2021).

PINPOINT

N.C. Gen. Stat. § 122C-313(a) (2021).

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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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

(1899, c. 1, s. 66; Rev., s. 4619; C.S., s. 6238; 1923, c. 165, s. 55; 1945, c. 952, s. 55; 1955, c. 887, s. 14; 1957, c. 1232, s. 26; 1963, c. 1184, s. 27; 1965, c. 800, s. 13; 1973, c. 253, s. 3; c. 1433; 1977, c. 679, s. 8; 1979, c. 358, s. 27; c. 915, s. 11; 1985, c. 589, s. 2; c. 695, s. 2; 2011-145, s. 19.1(h); 2017-186, s. 2(ppppp); 2021-180, s. 19C.9(p).)

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