



CHAPTER 15A
ARTICLE 56 - INCAPACITY TO PROCEED

N.C.G.S. § 15A-1003.

Referral of incapable defendant for civil commitment proceedings.

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(a) — sixth act in the lineage	21 September 2026, 03:44 UTC	986006cd83bc175f3624c99b - 6d560ab03a5e04ea71f55108 - 7731a44d792f4997

- § 15A-1003(a)

When a defendant is found to be incapable of proceeding, the presiding judge, upon such additional hearing, if any, as he determines to be necessary, shall determine whether there are reasonable grounds to believe the defendant meets the criteria for involuntary commitment under Part 7 of Article 5 of Chapter 122C of the General Statutes. If the presiding judge finds reasonable grounds to believe that the defendant meets the criteria, he shall make findings of fact and issue a custody order in the same manner, upon the same grounds and with the same effect as an order issued by a clerk or magistrate pursuant to G.S. 122C-261. Proceedings thereafter are in accordance with Part 7 of Article 5 of Chapter 122C of the General Statutes. If the defendant was charged with a violent crime, including a crime involving assault with a deadly weapon, the judge's custody order shall require a law-enforcement officer to take the defendant directly to a 24-hour facility as described in G.S. 122C-252; and the order must indicate that the defendant was charged with a violent crime and that he was found incapable of proceeding.
- § 15A-1003(a1)

Prior to the dismissal of any charges pursuant to G.S. 15A-1008, if the defendant is not subject to an involuntary commitment order issued pursuant to Part 7 of Article 5 of Chapter 122C of the General Statutes, the court shall make the determinations and findings required by subsection (a) of this section upon motion of the district attorney.
- § 15A-1003(b)

The court may make appropriate orders for the temporary detention of the defendant pending that proceeding.

§ 15A-1003(c)

Evidence used at the hearing with regard to capacity to proceed is admissible in the involuntary civil commitment proceedings.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 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.

1973	1999		2025
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1973	c. 1286, s. 1	ENACTED
02	1975	c. 166, s. 20	AMENDED
03	1983	c. 380, s. 1	AMENDED
04	1985	c. 589, s. 10	AMENDED
05	1987	c. 596, s. 5	AMENDED
06	2025	S.L. 2025-93, s. 7(a)	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)	"a clerk or magistrate pursuant to"
G.S. 122C-252	(a)	"a 24-hour facility as described in"
G.S. 15A-1008	(a1)	"dismissal of any charges pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1003 (2025).

PINPOINT

N.C. Gen. Stat. § 15A-1003(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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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. 1286, s. 1; 1975, c. 166, s. 20; 1983, c. 380, s. 1; 1985, c. 589, s. 10; 1987, c. 596, s. 5; 2025-93, s. 7(a).)

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