



CHAPTER 15A

ARTICLE 56 - INCAPACITY TO PROCEED

N.C.G.S. § 15A-1007.

Supplemental hearings.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2013-18, s. 4 — second act in the lineage	21 September 2026, 04:03 UTC	a758dabd02057fae8da00e79 - e03bbfa585b600012e8e9d89 - c7e92f1104de30f5

- § 15A-1007(a)** When it has been reported to the court that a defendant has gained capacity to proceed, or when the defendant has been determined by the individual or institution having custody of him to have gained capacity and has been returned for trial, in accordance with G.S. 15A-1004(e) and G.S. 15A-1006, the clerk shall notify the district attorney. Upon receiving the notification, the district attorney shall calendar the matter for hearing at the next available term of court but no later than 30 days after receiving the notification. The court may hold a supplemental hearing to determine whether the defendant has capacity to proceed. The court may take any action at the supplemental hearing that it could have taken at an original hearing to determine the capacity of the defendant to proceed.
- § 15A-1007(b)** The court may hold a supplemental hearing any time upon its own determination that a hearing is appropriate or necessary to inquire into the condition of the defendant.
- § 15A-1007(c)** The court must hold a supplemental hearing if it appears that any of the conditions for dismissal of the charges have been met.
- § 15A-1007(d)** If the court determines in a supplemental hearing that a defendant has gained the capacity to proceed, the case shall be calendared for trial at the earliest practicable time. Continuances that extend beyond 60 days after initial calendaring of the trial shall be granted only in extraordinary circumstances when necessary for the proper administration of justice, and the court shall issue a written order stating the grounds for granting the continuance.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
2 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		1993		2013
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1973	c. 1286, s. 1	ENACTED	
02	2013	S.L. 2013-18, s. 4	AMENDED	

APPARATUS II
2 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. 15A-1004(e)	(a)	"returned for trial, in accordance with"
G.S. 15A-1006	(a)	"in accordance with G.S. 15A-1004(e) and"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1007 (2013).

PINPOINT

N.C. Gen. Stat. § 15A-1007(a) (2013).

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. 1286, s. 1; 2013-18, s. 4.)

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