

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 1184  
HOUSE BILL 1154

1 AN ACT TO AMEND AND CLARIFY CERTAIN STATUTES RELATING TO THE  
2 ADMISSION TO STATE INSTITUTIONS OF INEBRIATE, MENTALLY ILL, AND  
3 MENTALLY RETARDED PERSONS.  
4

5 The General Assembly of North Carolina do enact:  
6

7 **Section 1.** That Article 3 of Chapter 122 of the General Statutes of North Carolina  
8 be rewritten to read as follows:  
9

"ARTICLE 3

Admission of Patients; General Provisions.

10 **G.S. 122-36. Definitions.** (a) The word 'inebriate' shall mean a person habitually so addicted to  
11 alcoholic drinks or narcotic drugs or other habit forming drugs as to have lost the power of  
12 self-control and that for his own welfare or the welfare of others is a proper subject for  
13 restraint, care, and treatment.  
14

15 (b) The words 'mental illness' shall mean an illness which so lessens the capacity of the  
16 person to use his customary self-control, judgment, and discretion in the conduct of his affairs,  
17 and social relations as to make it necessary or advisable for him to be under treatment, care,  
18 supervision, guidance, or control. The words 'mentally ill' shall mean a person with a mental  
19 illness.

20 (c) The words 'mentally retarded' shall mean a person who is not mentally ill but whose  
21 mental development is so retarded that he has not acquired enough self-control, judgment, and  
22 discretion to manage himself and his affairs, and for whose own welfare or that of others,  
23 supervision, guidance, care, or control is necessary or advisable.

24 (d) The words 'hospitalize' or 'hospitalization' shall mean those processes as  
25 promulgated in this Chapter whereby an alleged mentally ill or mentally retarded person or  
26 alleged inebriate may be placed in an appropriate State hospital for the mentally ill or State  
27 residential center for the mentally retarded. The terms shall include voluntary, medical  
28 certification, emergency and judicial procedures.

29 (e) The words 'qualified physician' shall mean a medical doctor who is duly licensed by  
30 this State to practice medicine; provided, however, that no physician is to be considered a  
31 'qualified physician' with respect to any procedure to hospitalize any person who is related by  
32 blood or marriage to the said physician.

33 (f) The 'county of residence' of an alleged mentally ill, mentally retarded, or inebriate  
34 person shall be the county of his actual residence at the time of his hospitalization,  
35 notwithstanding that such person may have been temporarily out of the county of his residence,  
36 in a hospital, or under court order a patient of some other State institution at the time of his  
37 hospitalization. A county of residence shall not have been changed by virtue of a person being  
38 temporarily out of his county, in a hospital, or confined under court order.

39 **G.S. 122-37. Findings as to Residence Reported; Hospitalization.** In every examination of  
40 an alleged mentally ill person or alleged inebriate it shall be the duty of the clerk to particularly  
41 inquire whether the proposed patient is a resident of this State, and he shall state his findings  
42 upon the subject in his report to the superintendent of the hospital. If it is not possible to  
43 ascertain the legal residence of the proposed patient the clerk shall give all available

1 information concerning the proposed patient and his past residence to the superintendent. The  
2 alleged mentally ill person or alleged inebriate shall then be treated as a bona fide resident until  
3 facts are presented to the clerk of court warranting a finding of nonresidence. A finding of  
4 residence by the clerk shall in no case have a binding effect, and if facts are later ascertained  
5 showing legal residence in another state the procedure set forth in G.S. 122-38 shall be  
6 followed.

7 No person who shall have removed into this State while mentally ill or inebriate, or while  
8 under care in an institution in any other state, nor any person not a resident of North Carolina  
9 but under care in an institution, public or private, in this State shall be considered a resident;  
10 and no length of residence in this State of such a person, while mentally ill or inebriate, or  
11 under care shall be sufficient to make him a resident of this State or entitled to State  
12 institutional care.

13 **G.S. 122-38. Proceedings in Case of a Mentally Ill or Inebriate Citizen of Another State.**

14 If any person not a citizen of this State but of another state of the United States shall be  
15 ascertained to be a proper subject for care and treatment in an institution of this State for the  
16 mentally ill or inebriate, the Clerk of the Superior Court shall hospitalize such person to the  
17 proper State institution and shall record on the order of hospitalization that the person being  
18 hospitalized is not a resident of this State. He shall also give on the order of hospitalization  
19 such information as is available in regard to the proper residence of the person being  
20 hospitalized. Upon the admission of such person to the hospital, the superintendent of the  
21 hospital shall notify the State Department of Mental Health that such person appears to be a  
22 resident of another state, so that the State Department of Mental Health can take steps to  
23 establish such person's residence and have him transferred to the state in which he is legally  
24 resident.

25 After the legal residence of such alleged mentally ill person or alleged inebriate has been  
26 verified and confirmed by the state of his residence, such person shall be transferred to the state  
27 of his residence. If that state shall not provide for his removal to that state within a reasonable  
28 time, the superintendent of the State hospital shall cause him to be conveyed directly from the  
29 State hospital to the state of his legal residence and delivered there to the superintendent of the  
30 proper state hospital.

31 The cost of such proceedings and conveyance away from the State shall be borne by the  
32 county in which the person shall have been adjudged a proper subject for restraint, care, and  
33 treatment.

34 **G.S. 122-39. Reciprocal Agreements with other States to Set Requirements for State  
35 Hospital Care and Release of Patients.**

36 The State Department of Mental Health is authorized to enter into reciprocal agreements with other states regarding the return of residents to or from  
37 such other states and for the purpose of fixing the requirements whereby a patient under  
38 hospitalization to a state hospital in such other state or states may be released and come into  
39 this State while still on conditional release from the state hospital of such other state or states.  
40 The said Department may also enter into reciprocal agreements with another state or states to  
41 fix and establish the requirements whereby a patient under hospitalization in a State hospital in  
42 this State may be released and go into such other state or states on conditional release from a  
43 State hospital in this State. Any such patient so released from a state hospital or other  
44 institution in another state or states for the purpose of coming into this State shall not be  
45 considered to gain residence in this State by any period of time he resides in this State, and a  
46 person or patient released from a State hospital in North Carolina will retain his North Carolina  
47 residence during his acceptance in the other state under agreements authorized under this  
48 Section. No members of the State Board of Mental Health or the Commissioner of Mental  
49 Health or any physician, psychiatrist, officer, agent, or employee of the State Department of  
50 Mental Health shall be held personally liable for any acts done or damages sustained by reason  
51 of any official acts done or committed under the authority of this Section.

1 **G.S. 122-40. Transfer of Mentally Ill Citizens of North Carolina from Another State to**  
2 **North Carolina.** The State Department of Mental Health is authorized, upon being satisfied  
3 that a person hospitalized in a state hospital for the mentally ill in another state is a resident of  
4 this State, to authorize such person to be returned to the appropriate institution in this State at  
5 the expense of the sending state. The hospitalization of an alleged mentally ill person or an  
6 alleged inebriate in another state and the authorization by the State Department of Mental  
7 Health for his return shall be sufficient authority for the superintendent of the appropriate State  
8 hospital in this State to hold this patient for a reasonable period not to exceed thirty (30) days.  
9 During this time hospitalization procedures for temporary observation and treatment may be  
10 initiated as provided for in Article 7 of this Act, without the removal of the patient from the  
11 hospital.

12 **G.S. 122-40.1. Proceedings in Case of Insanity of Alien.** If any person, not a citizen of the  
13 United States, shall be ascertained to be insane, the clerk of the court shall immediately notify  
14 the Governor of this State of the name of the insane person, the country of which he is a citizen,  
15 and his place of residence in said country if the same can be ascertained, and such other facts in  
16 the case as he may obtain, together with a copy of the examination taken; and the Governor  
17 shall transmit such information and examination to the Secretary of State at Washington, D.C.,  
18 with the request that he inform the minister resident or plenipotentiary of the country of which  
19 the insane person is supposed to be a citizen.

20 **G.S. 122-41. Expenses to be Paid by County of Residence; Penalty.** Immediately upon the  
21 hospitalization of any alleged mentally ill person or alleged inebriate under Article 7 of this  
22 Chapter, a transcript of the proceedings shall be sent to the county in which he has residence  
23 and that county shall pay over to the county from which he was hospitalized all the cost of the  
24 examination and hospitalization proceedings, and if the board of commissioners of the county  
25 of residence shall fail to pay all proper expense of said examination and proceedings within  
26 sixty (60) days after the claim shall have been presented, they shall forfeit and pay to the  
27 county which hospitalized the alleged mentally ill person or alleged inebriate the sum of two  
28 hundred and fifty dollars (\$250.00), to be recovered by the commissioners of that county in a  
29 civil action brought in the Superior Court of the county from which the patient was  
30 hospitalized, against the commission of the county of residence of the alleged mentally ill  
31 patient or inebriate.

32 **G.S. 122-42. Cost of Conveying Patients to and from Hospital; How Paid.** The cost and  
33 expenses of conveying every patient to any hospital from any county, or of removing him from  
34 the hospital to the county from which he was hospitalized or to the county of his residence, as  
35 released, shall be paid by the treasurer of the county of residence, upon the order of its board of  
36 county commissioners. Whenever the board of commissioners shall be satisfied that such  
37 person has property sufficient to pay such cost and expenses, or that some other person liable  
38 for his support and maintenance has property sufficient to pay such costs and expenses as  
39 aforesaid, they may bring an action to recover the amount paid from the said person, or from  
40 the other person liable for his support and maintenance.

41 **G.S. 122-43. Fees for Examination.** The fees listed below shall be allowed to the officers who  
42 make the examination and they shall be paid by the county in which the alleged mentally ill  
43 person or alleged inebriate has residence if the alleged mentally ill person or alleged inebriate,  
44 or one legally responsible for the support of such person, is unable to pay for the same.

45 To the clerk who makes the examination, ten dollars (\$10.00), and if the clerk goes to the  
46 place where the proposed patient is or resides, seven cents (7¢) a mile each way in addition.  
47 This shall cover his entire costs in taking the examination and making out the necessary papers.  
48 When the clerk is holding an examination of a patient who is a resident of a county other than  
49 the county in which the clerk holds office, the fees herein provided to be paid by the county of  
50 the patient's residence shall be paid to the clerk individually and shall be in addition to any  
51 regular compensation to which the clerk is entitled.

1 To the physicians making the examination, the sum of fifteen dollars (\$15.00) each and  
2 mileage at the rate of seven cents (7¢) per mile. If the county physician is a salaried officer, he  
3 is not to be allowed any fee for making this examination.

4 To the person serving process such fees as are now allowed by law for service of process of  
5 similar character.

6 **G.S. 122-44. Inquiry into Estates; Priority Given to Indigent Patients.** After the clerk of  
7 the court has determined that the alleged mentally ill or alleged inebriate person is a fit subject  
8 for care and treatment in a State hospital the clerk shall go further and inquire whether the said  
9 person is indigent or not in such way that he has not sufficient estate or property to bear the  
10 expense of his care and treatment. If the said person is found to be indigent, the clerk shall  
11 determine whether or not the person legally responsible for his support has sufficient estate or  
12 property to bear the costs of care and treatment.

13 In the admission of patients to any State facility, priority of admission shall be given to  
14 indigent persons; but the State Department of Mental Health may regulate admissions, having  
15 in view the curability of patients, the welfare of the institutions, and the exigencies of particular  
16 cases. The Department may, if there be sufficient room, admit other than indigent patients,  
17 upon proper compensation, based on the ability of the patient or his estate or one legally  
18 responsible for his support to pay. Where the clerk of the court or the superintendent of the  
19 hospital has doubt as to the indigency of the patient, he shall refer the question to the county  
20 department of public welfare for investigation. Upon the death of any patient, the State facility  
21 may maintain an action against his estate for his support and maintenance.

22 **G.S. 122-45. Persons Entitled to Immediate Admission if Space Available.** Any resident of  
23 North Carolina who has been legally adjudged by a clerk of court or other authorized person in  
24 accordance with the provisions of this Chapter to be a proper subject for care and treatment in a  
25 State hospital shall, if treatment facilities are available, be entitled to immediate admission. No  
26 resident of this State who has been legally adjudged to be a proper subject for care and  
27 treatment and who has been presented to the superintendent of the proper State hospital as  
28 provided in this Chapter, shall be refused admission thereto if treatment facilities are available,  
29 but nothing in this Article shall be construed to affect the acceptance, discharge and transfer of  
30 patients as now provided for by law.

31 Upon the admission of any person pursuant to order of a Clerk of Superior Court, the  
32 superintendent of the institution shall notify such clerk of the admission.

33 **G.S. 122-46. Right to Communication and Visitation; Exercise of Civil Rights.** (a) Subject  
34 to reasonable rules and regulations of the hospital and except to the extent that the chief  
35 medical officer of the hospital determines that it is necessary for the medical welfare of the  
36 patient to impose restrictions, every patient shall be entitled (1) to communicate by sealed mail  
37 or otherwise with persons, including official agencies, inside and outside the hospital; (2) to  
38 receive visitors; and (3) to exercise all civil rights, including the right to dispose of property,  
39 execute instruments, make purchases, enter into contractual relationships, and vote, unless he  
40 has been adjudicated incompetent under the provisions of G.S. Chapter 35 and has not been  
41 restored to legal capacity.

42 (b) Notwithstanding any limitations authorized under this Section on the right of  
43 communication, every patient shall be entitled (1) to communicate by sealed mail with the State  
44 Department of Mental Health, and with the court, if any, which ordered his hospitalization; and  
45 (2) to receive his or her attorney if accompanied by a medical member of the hospital staff.

46 (c) Any limitations imposed by the head of the hospital on the exercise of these rights  
47 by the patient and the reasons for such limitations shall be made a part of the clinical record of  
48 the patient.

49 **G.S. 122-47. Use of Restraining Devices Limited.** Mechanical restraints shall not be applied  
50 to a patient unless it is determined by the head of the hospital or his designee to be required by  
51 the medical needs of the patient. Every use of a mechanical restraint and the reasons therefor

1 shall be made a part of the clinical record of the patient under the signature of the head of the  
2 hospital or his designee.

3 **G.S. 122-48. Clerk to Keep Record of Examinations and Discharges.** The clerk shall keep a  
4 record of all examinations of persons alleged to be mentally ill or inebriate and he shall record  
5 in such record a brief summary of the proceedings and of his findings. He shall also keep a  
6 record of all conditional releases and discharges provided for in Article 8 of this Chapter.  
7 Provided, that when an alleged mentally ill person or an alleged inebriate who is a resident of  
8 this State is hospitalized from some county other than the county of his residence, the Clerk of  
9 the Superior Court of the county of such person's residence shall maintain the records specified  
10 in this Section upon receipt of a certified copy of such records from the Clerk of the Superior  
11 Court of the county of hospitalization.

12 **G.S. 122-49. Female Patient to be Accompanied by Female Attendant or Member of the**  
13 **Family.** Each female patient must be accompanied to the hospital by a member of her family; if  
14 a member of her family is not available, she must be accompanied by a female designated by  
15 the county director of public welfare of the county of the patient's residence or admission. The  
16 expenses of the female attendant are to be borne by the county commissioners of the county of  
17 the patient's residence.

18 **G.S. 122-50. Persons Conveying Patient to Hospital Without Authority.** No sheriff or other  
19 person shall convey a patient to any hospital without having ascertained that the patient will be  
20 admitted, and if any sheriff or other person shall carry a patient to a hospital without having  
21 ascertained that the patient will be admitted, and the patient is not admitted, he shall be required  
22 to convey the patient back to the county of his residence, and shall not be repaid by the county  
23 or hospital for expenses incurred in carrying the patient to and from the hospital.

24 **G.S. 122-51. Civil Liability for Corrupt Admission.** Nothing contained in this Chapter shall  
25 be held or construed to relieve from liability in any suit or action instituted in the courts of this  
26 State, any husband, wife, guardian, or physician, who unlawfully, maliciously and corruptly  
27 attempts to hospitalize any person or patient to any hospital for the mentally ill or center for the  
28 mentally retarded under the provisions of this Chapter.

29 **G.S. 122-52. Disclosure of Information, Records, etc.** No superintendent, physician,  
30 psychiatrist or any other officer, agent or employee of any of the facilities under the  
31 management, control, and supervision of the State Department of Mental Health shall be  
32 required to disclose any information, record, report, case history or memorandum which may  
33 have been acquired, made or compiled in attending or treating a patient of said facilities in a  
34 professional character, and which information, records, reports, case histories and  
35 memorandums were necessary in order to prescribe for or to treat said patient or to do any act  
36 for him in a professional capacity unless a court of competent jurisdiction shall issue an order  
37 compelling such disclosure: Provided that where a person or persons are defendants in criminal  
38 cases and a mental examination of such defendants has been ordered by the court, the State  
39 Department of Mental Health through its officers and agents may transmit the results or the  
40 report of such mental examination to the clerk of said court and to the solicitor or prosecuting  
41 officer and to the attorney or attorneys of record for the defendant or defendants.

42 **G.S. 122-53. General Assembly Visitors.** The members of the General Assembly shall be ex  
43 officio visitors of all hospitals under the control of the State Department of Mental Health.

44 **G.S. 122-54. Assisting Patient to Escape; Misdemeanor.** If any person shall assist any  
45 patient of any State hospital for the mentally ill, mentally retarded, or inebriate to leave said  
46 hospital without authority, he shall be guilty of a misdemeanor.

47 **G.S. 122-55. Hospitalization and Guardianship Proceedings to Have no Effect on One**  
48 **Another.** Except for the provisions of G.S. 35-3, the hospitalization of an alleged mentally ill  
49 person or an alleged inebriate or an alleged mentally retarded person under the provisions of  
50 this Chapter shall in no way affect incompetency proceedings as set forth in Chapter 35 of the

1 General Statutes of North Carolina, and incompetency proceedings as set forth in Chapter 35  
2 shall have no effect upon hospitalization proceedings as set forth in this Chapter."

3 **Sec. 2.** That there be added to Chapter 122 of the General Statutes of North  
4 Carolina four new Articles to follow Article 3 and to read as follows:

5 "ARTICLE 4

6 Voluntary Admission.

7 **G.S. 122-56. Voluntary Admission; Procedure.** Any person believing himself to be mentally  
8 ill or threatened with mental illness, or an inebriate, may voluntarily admit himself to the  
9 proper hospital. The application for admission of such a person shall be signed at the hospital  
10 on a form approved by the State Department of Mental Health. The applicant must have a  
11 written statement in letter form from a qualified physician which states that in the opinion of  
12 the physician the applicant is a fit subject for admission into the hospital, and that he  
13 recommends his admission. No certificate of the Clerk of the Superior Court is to accompany  
14 this application, and the superintendent of the State hospital shall not be required to notify the  
15 clerk of court of the discharge of the patient. The superintendent may, if he thinks it a proper  
16 application, receive the patient thus voluntarily admitted and treat him, but no report need be  
17 made to the clerk of court. The State Department of Mental Health shall have the same control  
18 over patients who admit themselves voluntarily as it has over those hospitalized under judicial  
19 proceedings except that a voluntary patient shall be entitled to be discharged after he shall have  
20 given the superintendent ten days' written notice of his desire to be discharged, unless  
21 proceedings have been initiated for the judicial hospitalization of such patient.

22 If in the opinion of the examining physician or of the superintendent of the hospital the  
23 patient should be admitted for not less than a thirty-day period to permit more adequate  
24 examination and treatment, the superintendent may have the patient sign a special form  
25 agreeing to admit himself for thirty (30) days. When the patient shall have signed this form  
26 admitting himself for thirty (30) days, the superintendent may require that the patient remain at  
27 the hospital for this full period.

28 Judicial hospitalization of voluntarily admitted patients must proceed through the same  
29 channels as specified in Article 7 of this Chapter.

30 **G.S. 122-57. Voluntary Admission to South Wing.** Any person believing himself to be an  
31 inebriate or mentally ill or threatened with mental illness may voluntarily apply for admission  
32 to the Psychiatric Training and Research Center at the South Wing of the North Carolina  
33 Memorial Hospital in Chapel Hill in the same manner as he would apply for voluntary  
34 admission to a State hospital. Upon the approval of his application by the Director of the  
35 Inpatient Service, the applicant may be admitted. The patient's application shall be in the same  
36 form as those provided for in G.S. 122-56 and must be accompanied by the statement of a  
37 qualified physician that the applicant is a fit subject for admission.

38 "ARTICLE 5

39 Admission by Medical Certification.

40 **G.S. 122-58. Admission on Certification of Physician.** (a) Whenever two qualified  
41 physicians shall certify, on forms to be provided by the State Department of Mental Health, that  
42 any person is mentally ill, or an inebriate, and is in need of care and treatment in a hospital for  
43 the mentally ill or inebriate, such person shall be admitted to the appropriate State hospital, or  
44 private hospital within the meaning of G.S. 122-72, on receipt of such certificate. The  
45 certificate of the physicians shall be notarized. No certificate of the Clerk of Superior Court  
46 shall accompany this certification and no superintendent shall be required to supply the clerk of  
47 court with a certificate of discharge unless a hearing is held under subsection (b) of this  
48 Section.

49 (b) If the patient or any member of his family objects to admission in the manner herein  
50 provided prior to admission, the procedure outlined in G.S. 122-63 must be followed before  
51 hospitalization. If, after admission, the patient or any member of his family shall object to the

1 admission of the alleged mentally ill person or alleged inebriate in the manner herein provided,  
2 they may, within sixty (60) days after the admission of such patient, file with the Clerk of the  
3 Superior Court of the county in which the hospital is located, an affidavit stating such  
4 objection. The clerk receiving such affidavit shall then proceed to hold the hearing required by  
5 G.S. 122-64. The expenses of such hearing shall be borne by the county of residence of the  
6 patient.

7 "ARTICLE 6

8 Emergency Hospitalization.

9 **G.S. 122-59. Temporary Detention of Persons Becoming Suddenly Homicidal or Suicidal**  
10 **or Violent and Dangerous to Themselves or Others; Subsequent Hospitalization by Clerk;**  
11 **Discharge by Clerk and Return to County of Residence.** Any person, who, by reason of the  
12 commission of overt acts, is believed to be suddenly violently and dangerous to himself or  
13 others, may be detained, physically and forcibly, for a period not to exceed twenty (20) days in  
14 the State hospital to which the clerk is authorized to hospitalize alleged mentally ill persons or  
15 alleged inebriates from his county, in a private hospital, county hospital or other suitable place  
16 of a nonpenal character.

17 Authorization for such detention may be given by any qualified physician in the form of a  
18 written statement that he has examined such person within 24 hours of the date of his statement  
19 and that it is his professional opinion, based upon such examination, that the person is  
20 homicidal or suicidal, or dangerous to himself or others. The physician's statement shall be  
21 sworn to before a person authorized to take acknowledgments or witnessed by a peace officer,  
22 and shall constitute authority, without any court action, for the sheriff or any other peace officer  
23 to take custody of the alleged homicidal or suicidal person and transport him immediately to  
24 the appropriate State hospital or other suitable place of detention. It shall be the duty of the  
25 peace officer to whom such authorization is presented to effect such custody and transportation.

26 If such person has not been examined by a physician and it is believed that it would be  
27 dangerous to attempt to have him examined without restraint, authorization for detention may  
28 be given by the Clerk of the Superior Court in the form of a written order directed to the sheriff  
29 or any other peace officer. The clerk may issue such order upon the application of any person  
30 having knowledge of the facts. The application must be in writing, signed and sworn to before  
31 the clerk, and must state that affiant believes the person to be homicidal or suicidal, the  
32 particulars as to his behavior, history and circumstances supporting such belief, that affiant is of  
33 the opinion that it would be dangerous to attempt to have the person examined by a physician  
34 without restraint, and it must include a request for the issuance of an order for detention and  
35 show the address of the affiant and his relationship, if any, to the alleged homicidal or suicidal  
36 person. In his order, the clerk may direct the officer to detain such person for an examination  
37 by a physician or to transport him immediately to the appropriate State hospital, as the facts and  
38 circumstances may warrant.

39 No person for whom detention has been authorized by a physician or a Clerk of the  
40 Superior Court may be taken into custody after the expiration of 24 hours from the date of the  
41 examination by the physician or the issuance of the order by the clerk.

42 The detention provided for herein shall be for observation and treatment a period of not  
43 more than twenty (20) days. If involuntary hospitalization for mental illness is deemed  
44 necessary, a proceeding for judicial hospitalization may be instituted under the provision of  
45 Article 7 of this Chapter during the twenty-day period of detention.

46 "ARTICLE 7

47 Judicial Hospitalization.

48 **G.S. 122-60. Affidavit of Mental Illness or Inebriety and Request for Examination.** When  
49 it appears that a person is suffering from some mental illness or inebriety and is in need of  
50 observation or admission in a State hospital for the mentally ill or inebriate, some reliable  
51 person having knowledge of the facts shall make before the Clerk of the Superior Court of the

1 county in which the alleged mentally ill person or alleged inebriate is or resides, and file in  
2 writing, on a form approved by the State Department of Mental Health, an affidavit that the  
3 alleged mentally ill person or alleged inebriate is in need of observation or admission in a  
4 hospital for the mentally ill or inebriate, together with a request that an examination of the  
5 proposed patient be made.

6 This affidavit may be sworn to before the Clerk of the Superior Court, or the deputy clerk  
7 of the court.

8 **G.S. 122-61. Detention of Persons Alleged to be Mentally Ill or Inebriate and Dangerous**  
9 **to Themselves or Others.** If the affidavit filed in accordance with the provisions of G.S. 122-  
10 60 states that the alleged mentally ill person or alleged inebriate is likely to endanger himself or  
11 others, he may be taken into custody and detained in his own home, in a private or general  
12 hospital, or in any other suitable facility as approved by the local health director for such  
13 detention, upon an order of the clerk of the court. He shall not, except because of and during an  
14 extreme emergency, be detained in a nonmedical facility used for the detention of individuals  
15 charged with or convicted of penal offenses, and then only upon an order of the clerk of the  
16 court, and with notification as soon as practicable to the local health director.

17 The clerk shall expedite the hearing, and, if the alleged mentally ill person or alleged  
18 inebriate is found to be in need of hospitalization, the clerk shall expedite the transmission of  
19 this information to the proper State hospital so that the alleged mentally ill person or alleged  
20 inebriate can be admitted without any undue delay.

21 **G.S. 122-62. Clerk to Issue an Order for Examination.** When an affidavit and request for  
22 examination of an alleged mentally ill person or alleged inebriate has been made, or when the  
23 Clerk of the Superior Court has other valid knowledge of the facts of the case to cause an  
24 examination to be made, he shall direct two qualified physicians who are not directly involved  
25 with the care and treatment of the patient in the hospital to which the person may be  
26 hospitalized, to examine the alleged mentally ill person or alleged inebriate. The clerk is  
27 authorized to order the alleged mentally ill person or inebriate to submit to such examination,  
28 and it shall be the duty of the sheriff or other law enforcement officer to see that this order is  
29 enforced. The purpose of the examination is to determine whether or not the alleged mentally  
30 ill or inebriate person is a proper subject for observation and treatment. If the said physicians  
31 are satisfied that the alleged mentally ill or inebriate person should be hospitalized, they shall  
32 sign an affidavit to that effect on a form approved by the State Department of Mental Health.

33 This affidavit may be sworn to before the Clerk of the Superior Court, an Assistant Clerk of  
34 the Superior Court, a deputy clerk of the court, or a notary public.

35 **G.S. 122-63. Clerk May Commit for Observation and Treatment Period.** When two  
36 qualified physicians have certified that the alleged mentally ill person or alleged inebriate is in  
37 need of observation and admission to the proper State hospital, the clerk shall hold an informal  
38 hearing. The clerk shall cause to be served on the alleged mentally ill person or alleged  
39 inebriate notice of the hearing. Such notice may be served by an officer of the law or some  
40 other person designated by the clerk of court. If the clerk designates a member of a hospital  
41 staff, a member of the staff of the county department of public welfare, or a member of the staff  
42 of the county or district health department to serve the notice, no charge is to be made for such  
43 service. The clerk shall have the hearing without unnecessary delay and shall examine the  
44 certificates or affidavits of the physicians and any proper witnesses. At the conclusion of the  
45 hearing the clerk may dismiss the proceedings if he finds that the alleged mentally ill or  
46 inebriate person is not in need of observation and treatment in an appropriate hospital. If he  
47 finds that the alleged mentally ill or inebriate person is in need of observation and treatment, he  
48 is to issue an order for hospitalization on a form approved by the State Department of Mental  
49 Health. This order shall authorize the appropriate hospital to receive said person and there to  
50 examine him and observe his condition and give appropriate treatment for a period not  
51 exceeding one hundred and eighty (180) days. The clerk may authorize the transfer of such

1 alleged mentally ill person or alleged inebriate to the proper hospital, when notified by the  
2 superintendent of the hospital that treatment facilities are available. If such person is not  
3 admitted to the appropriate State hospital within thirty (30) days of the date on which the clerk  
4 issued the order of hospitalization, the order shall be void and of no effect whatsoever.

5 The clerk shall transmit to the hospital information relevant to the physical and mental  
6 condition of the alleged mentally ill person or alleged inebriate. He shall certify as to the  
7 indigency of the person and any persons liable for the care of the person under G.S. 122-44 or  
8 G.S. 143-117 et seq., on forms approved by the State Department of Mental Health.

9 When a person has been admitted to one of the State hospitals under the provisions of this  
10 Chapter for a period of observation and treatment, and when he has been carefully examined, if  
11 he is found to be not mentally ill or an inebriate, or not in need of care in a State hospital, the  
12 superintendent shall immediately report these findings to the Clerk of the Superior Court of the  
13 county in which such person has residence, who shall order his discharge. The removal of said  
14 person from the State hospital shall be after the notice and in the manner prescribed in G.S.  
15 122-67.

16 **G.S. 122-64. Judicial Hospitalization of Persons Already in Hospitals.** All hearings to  
17 determine whether or not an alleged inebriate or alleged mentally ill person should be judicially  
18 hospitalized are to be held in the county of residence of the alleged inebriate or alleged  
19 mentally ill person. However, in those instances where the alleged inebriate or alleged mentally  
20 ill person is already in a public or private mental institution or public general hospital, without  
21 prior judicial hospitalization, the Clerk of the Superior Court of the county in which the patient  
22 is hospitalized shall, upon request of the controlling officer of said hospital, go to such hospital  
23 and hold the hearing required by G.S. 122-63. If the clerk holding such hearing finds that the  
24 alleged mentally ill or inebriate person is in need of observation and treatment as provided for  
25 in G.S. 122-63, or is in need of hospitalization for a minimum necessary period as provided for  
26 in G.S. 122-65, the clerk may enter an order requiring hospitalization for such observation and  
27 treatment or for such minimum necessary period. The expense of such hearing shall be borne  
28 by the county of residence of such alleged mentally ill person or alleged inebriate. The records  
29 of such hospitalization shall be maintained in accordance with the provisions of G.S. 122-48.

30 There is to be paid to the physicians making the examination a fee to be determined in  
31 accordance with the schedule of fees adopted by the State Department of Mental Health and  
32 mileage at the rate of seven cents (7¢) per mile. If the county physician is a salaried officer, he  
33 is not to be allowed any fee for making this examination. The fee of the Clerk of Superior  
34 Court for holding the hearing shall be as provided in G.S. 122-43.

35 **G.S. 122-65. Clerk May Order Discharge or Hospitalize for a Minimum Necessary**  
36 **Period.** When a person is judicially hospitalized for observation and treatment, the hospital  
37 superintendent shall, at the expiration of one hundred and eighty (180) days, file with the Clerk  
38 of the Superior Court of the county in which the hospital is located, a written report stating the  
39 conclusion reached by the hospital superintendent as to whether or not further treatment is  
40 needed. Upon the basis of this report the clerk shall discharge the patient or order a second  
41 hearing to decide whether or not the alleged mentally ill person or alleged inebriate should be  
42 further hospitalized for a minimum necessary period. If the recommendation of the hospital  
43 superintendent is that the patient should be hospitalized for a minimum necessary period the  
44 clerk shall set a date for the hearing and cause notice to be served on the alleged mentally ill  
45 person or alleged inebriate by a person designated by the clerk who may or may not be an  
46 officer of the law. The alleged mentally ill or inebriate person may, if he so desires, waive the  
47 hearing by signing a statement to that effect and returning it to the clerk of court. If the hearing  
48 is not waived, the clerk of the county in which the patient is hospitalized shall have the hearing  
49 without unnecessary delay, at which time the clerk is to receive evidence concerning the  
50 condition of the alleged mentally ill or inebriate person including any evidence the alleged  
51 mentally ill or inebriate person wishes to offer. At the conclusion of the hearing the clerk may

1 discharge the patient or issue an order for hospitalization for a minimum necessary period on a  
2 form approved by the State Department of Mental Health.

3 **G.S. 122-65.1. Mentally Ill Person or Inebriate Temporarily Hospitalized.** When any  
4 person is found to be mentally ill or inebriate under the provisions of this Chapter or is on  
5 conditional release from a State hospital and he cannot be immediately admitted to the proper  
6 hospital, and such person is also found to be subject to such acts of violence as threaten injury  
7 to himself and danger to the community, and he cannot be otherwise properly restrained, he  
8 may be temporarily hospitalized and treated in a private hospital, county hospital, or other  
9 suitable place until a more suitable provision can be made for his care.

10 **G.S. 122-65.2. Authorization of Hospital for Admission of Patients.** The Psychiatric  
11 Training and Research Center at the South Wing of the North Carolina Memorial Hospital at  
12 Chapel Hill shall be authorized to receive alleged mentally ill persons hospitalized for  
13 observation and treatment, in the same manner as a State Hospital. The clerk of the court shall  
14 not, however, hospitalize to this Center without the approval of the Director of Inpatient  
15 Service.

16 **G.S. 122-65.3. Clerk to Hospitalize to Psychiatric Training and Research Center at the  
17 North Carolina Memorial Hospital.** When the clerk of court has approved as provided in  
18 G.S. 122-65.2 he may hospitalize alleged mentally ill persons to the Psychiatric Training and  
19 Research Center at the South Wing of the North Carolina Memorial Hospital in the manner  
20 provided by G.S. 122-63. Any two qualified physicians not directly connected with the  
21 Inpatient Service of the Center may serve as certifying physicians.

22 **G.S. 122-65.4. Clerk May Hospitalize for Minimum Necessary Period to Center.** When the  
23 alleged mentally ill person hospitalized at the Psychiatric Training and Research Center at the  
24 South Wing of North Carolina Memorial Hospital has been observed for a period of one  
25 hundred and eighty (180) days the Director of the Inpatient Service shall report concerning the  
26 patient's condition in the same manner as the superintendent of the State hospital as provided in  
27 G.S. 122-65. The clerk shall act on this report in the same manner as is provided in G.S.  
28 122-65.

29 **G.S. 122-66. Withdrawal of Petition.** The petitioner in proceedings to determine whether or  
30 not a person is a fit subject for care and treatment in a State hospital may, at any time before the  
31 proposed patient has been admitted to the particular State hospital, withdraw such petition by  
32 filing with the Clerk of the Superior Court, in writing a motion to this effect. The clerk with the  
33 written consent of the examining physicians is authorized to allow such motion. When such  
34 motion is allowed, the proceedings shall be deemed at an end."

35 **Sec. 3.** That Article 4 of Chapter 122 of the General Statutes, relating to "Discharge  
36 of Patients", be redesignated as Article 8.

37 **Sec. 4.** That G.S. 122-66.1. be amended by deleting the words "of unsound mind"  
38 appearing in line seven thereof, and substituting therefor the words "mentally ill or inebriate  
39 and no longer in need of care and treatment in a State hospital for the mentally ill or inebriate."

40 **Sec. 5.** That G.S. 122-67, as the same appears in the 1961 Cumulative Supplement  
41 of the General Statutes, be amended by: (a) deleting the word "disordered" and substituting the  
42 word "ill" in lines one, two, sixteen, eighteen, nineteen, twenty-one, and thirty-one thereof; (b)  
43 deleting the word "disorder" and substituting therefor the word "illness" in lines forty and forty-  
44 one thereof; (c) deleting the word "settlement" and substituting therefor the word "residence" in  
45 line twenty-six thereof; and (d) deleting the word "commitment" and substituting therefor the  
46 word "hospitalization" in lines eleven, thirty, thirty-two, and thirty-eight thereof.

47 **Sec. 6.** That there be added to Chapter 122 of the General Statutes of North  
48 Carolina a new Article as follows:

49 "ARTICLE 9  
50 Centers for Mentally Retarded.

1 **G.S. 122-69. State Department of Mental Health to Have Jurisdiction Over Centers for**  
2 **Mentally Retarded.** Caswell, O'Berry, Murdoch, and Western Carolina Centers for the  
3 retarded, and such other residential centers for the care and treatment of the mentally retarded  
4 as may be established by the State shall be under the jurisdiction of the State Department of  
5 Mental Health. The Department of Mental Health shall have the general superintendence,  
6 management, and control of the centers; of the grounds and buildings, officers, and employees  
7 thereof; of the patients therein and all matters relating to the government, discipline, contracts,  
8 and fiscal concerns thereof; and the State Board of Mental Health may make such rules and  
9 regulations as may seem to them necessary for carrying out the purposes of the centers. And the  
10 Department shall have the right to keep and control the patients of the centers until such time as  
11 the Department may deem proper for their discharge under such proper and humane rules and  
12 regulations as the Board may adopt.

13 **G.S. 122-69.1. Objects and Aims of Centers for Mentally Retarded.** The residential centers  
14 shall have the following general aims and objects:

- 15 (1) provide facilities and programs for those who cannot be contained in the  
16 community because of medical or psychosocial reasons;
- 17 (2) provide conditions which allow those admitted full development —  
18 emotionally, physically, and intellectually;
- 19 (3) provide medical care, educational opportunities, training in social and  
20 occupational skills, and opportunities for freedom and happiness to minimize  
21 the effects of the mental handicap;
- 22 (4) maintain facilities for evaluation and diagnosis, for cooperating with other  
23 agencies in instructing the public in the care of the mentally handicapped at  
24 home, and for aftercare of discharged residents from the centers;
- 25 (5) develop a therapeutic residential program that will be coordinated with an  
26 over-all State program;
- 27 (6) disseminate knowledge concerning the causation, prevention, nature and  
28 treatment of the mentally handicapped;
- 29 (7) engage in training and research in the field of the mentally handicapped;
- 30 (8) cooperate with all agencies — Federal, State or local in the further  
31 attainment of these objects.

32 **G.S. 122-70. Admissions to Centers for Mentally Retarded.** Application for the admission  
33 of a child under 21 years of age must be made by the father if the mother and father are living  
34 together, and if not, by the one having custody, or by a duly appointed guardian. Otherwise, the  
35 State Department of Mental Health is authorized and empowered to promulgate rules,  
36 regulations and conditions of admission of children and adults to the centers.

37 **G.S. 122-71. Financial Responsibility.** In cases in which the parents or guardian of a child  
38 being admitted to a center are financially able, or in which an adult being admitted is  
39 financially able, the Department shall require such parents or guardian or adult to transport the  
40 child or adult to the appropriate center and make such contribution toward his maintenance as  
41 may seem just and proper to the Department.

42 **G.S. 122-71.1. Discharge of Patients.** Any person admitted to a center may be discharged  
43 therefrom or returned to his or her parents or guardian when requested by the parents or  
44 guardian or when, in the judgment of the State Department of Mental Health, it will not be  
45 beneficial to such person or to the best interest of the center that such person be retained longer  
46 therein.

47 **G.S. 122-71.2. Offenses Relating to Patients.** For the protection of the persons residing in the  
48 centers, it shall be unlawful for any person not a patient of a center for the mentally retarded:

- 49 (1) to advise, or solicit, or to offer to advise or solicit, any patient of said centers  
50 to leave without authority;

- 1 (2) to transport, or to offer to transport, in an automobile or other conveyances  
2 any patient of said centers to or from any place: Provided, this shall not  
3 apply to the superintendents or to any other person acting under the  
4 superintendent;
- 5 (3) to engage in, or to offer to engage in any act which would constitute a sex  
6 offense with any patient of said centers;
- 7 (4) to receive, or to offer to receive any child patient of said centers into any  
8 place, structure, building or conveyance for the purpose of engaging in any  
9 act which would constitute a sex offense or to solicit any patients of said  
10 centers to engage in any act which would constitute a sex offense;
- 11 (5) to conceal a person who has left a center without authority.

12 Any person who shall knowingly and willfully violate subdivisions (1) and (2) of this  
13 Section shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both fined and  
14 imprisoned, in the discretion of the court; any person who shall knowingly and willfully violate  
15 subdivisions (3), (4) and (5) of this Section shall be guilty of a felony, and shall be fined or  
16 imprisoned, or both fined and imprisoned, in the discretion of the court.

17 **G.S. 122-71.3. Articles Three Through Eight Inapplicable to Centers.** The provisions of  
18 Articles 3, 4, 5, 6, 7 and 8 of this Chapter shall not apply to the centers for the mentally  
19 retarded except as specifically stated therein."

20 **Sec. 7.** That Article 12 of Chapter 116 of the General Statutes of North Carolina is  
21 hereby repealed.

22 **Sec. 8.** That Article 13A of Chapter 116 of the General Statutes of North Carolina  
23 is hereby repealed.

24 **Sec. 9.** That Article 5 of Chapter 122 of the General Statutes of North Carolina be  
25 redesignated as Article 10.

26 **Sec. 10.** That Article 6 of Chapter 122 of the General Statutes of North Carolina be  
27 redesignated as Article 11 and that the title thereof be changed to "Mentally Ill Criminals".

28 **Sec. 11.** That Article 7 of Chapter 122 of the General Statutes of North Carolina be  
29 redesignated as Article 12.

30 **Sec. 12.** That Article 10 of Chapter 35 of the General Statutes of North Carolina,  
31 entitled "Interstate Compact on Mental Health" be transferred to Chapter 122 of the General  
32 Statutes and be designated as Article 13 thereof with the six Sections thereof being  
33 redesignated as G.S. 122-99 through G.S. 122-104, respectively.

34 **Sec. 13.** That Article 9 of Chapter 35 of the General Statutes of North Carolina,  
35 entitled "Mental Health Council", be transferred to Chapter 122 of the General Statutes and be  
36 designated as Article 14 thereof with the three Sections thereof being redesignated as G.S.  
37 122-105 through G.S. 122-107, respectively.

38 **Sec. 14.** That G.S. 122-73 be amended as follows:

39 (a) the word "ill" is to be substituted for the word "disordered" in line three  
40 thereof; and, (b) the words "mentally retarded" are to be substituted for the words "mental  
41 defectives and feeble-minded" in line four thereof.

42 **Sec. 15.** That G.S. 122-74 be amended by striking therefrom the words "insane  
43 persons, idiots, and feeble-minded" and substituting therefor the words "mentally ill and  
44 mentally retarded".

45 **Sec. 16.** That G.S. 122-75 be amended by substituting the word "ill" for the word  
46 "disordered" each time that the latter appears in the Section.

47 **Sec. 17.** That G.S. 122-77 be amended by substituting the word "ill" for the word  
48 "disordered" in line three thereof.

49 **Sec. 18.** That G.S. 122-78 be amended by substituting the word "ill" for the word  
50 "disordered" in line two thereof.

51 **Sec. 19.** That G.S. 122-79 be amended as follows:

1 (a) the word "ill" is to be substituted for the word "disordered" each time that  
2 the latter appears in the Section;

3 (b) the word "hospitalized" is to be substituted for the word "committed" each  
4 time that the latter appears in the Section;

5 (c) the word "hospitalization" is to be substituted for the word "commitment"  
6 each time that the latter appears in the Section;

7 (d) the words "mentally retarded" are to be substituted for the words and  
8 punctuation "mental defectives, feeble-minded" appearing in line seventeen thereof;

9 (e) the colon appearing in line nineteen thereof is to be changed to a period, and  
10 the remainder of the Section is to be deleted; and

11 (f) by adding the words "and treating" after the word "holding" in line thirteen  
12 and also in line sixteen of said Section, and by adding the words "and treated" after the word  
13 "held" in line eighteen of said Section.

14 **Sec. 20.** That G.S. 122-80 be amended as follows:

15 (a) the words "State Department of Mental Health" are to be substituted for the  
16 words "executive committee" each time the latter appears in the Section;

17 (b) the words "hospitalization order" are to be substituted for the word  
18 "commitment" in line three thereof;

19 (c) the words "ill or mentally retarded person" are to be substituted for  
20 "disordered person, mental defective" each time that the latter appears in the Section; and,

21 (d) the word "hospitalized" is to be substituted for the word "committed" in line  
22 nine thereof.

23 **Sec. 21.** That G.S. 122-81 be amended by substituting the words "ill or mentally  
24 retarded person" for the words "disordered person, mentally defective" appearing in line two  
25 thereof.

26 **Sec. 22.** That G.S. 122-81.1 be rewritten to read as follows:

27 **"G.S. 122-81.1. Voluntary Admission to Private Hospital.** Any person believing himself to  
28 be mentally ill or inebriate, or threatened with mental illness, may voluntarily admit himself to  
29 a private hospital as denned in G.S. 122-72 in accordance with the procedure specified in  
30 Article 4 of this Chapter; provided the private hospital is willing to accept such person for care  
31 and treatment."

32 **Sec. 23.** That G.S. 122-82.1 be amended by substituting the words "hospitalized in"  
33 for the words "committed to" in line two thereof, and by substituting the word "hospitalizing"  
34 for the word "committing" in lines two and three thereof.

35 **Sec. 24.** That G.S. 122-82.2 be rewritten to read as follows:

36 **"G.S. 122-82.2. Superintendent Must Notify of Patient Leaving Without Authority.**  
37 Whenever a patient who has been hospitalized in a private hospital leaves such hospital without  
38 authorization, the clerk of court who ordered such hospitalization, the examining physician, and  
39 the sheriff of the county of residence of the patient must be notified by the superintendent of  
40 the private hospital."

41 **Sec. 25.** That G.S. 122-83, as the same appears in the 1961 Cumulative Supplement  
42 to the General Statutes, be amended by substituting the word "ill" for the word "disordered"  
43 each time that the latter appears in said Section.

44 **Sec. 26.** That G.S. 122-84 be amended by substituting the word "illness" for the  
45 word "disorder" in the catch line and in line four thereof.

46 **Sec. 27.** That G.S. 122-85 be amended as follows:

47 (a) the word "ill" is to be substituted for the word "disordered" each time that  
48 the latter appears in the Section;

49 (b) the word "hospitalization" is to be substituted for the word "commitment"  
50 each time that the latter appears in said Section except for the first sentence thereof; and,

51 (c) the number "7" is to be substituted for the number "3" in line three thereof.

1           **Sec. 28.** That G.S. 122-85.1, as the same appears in the 1961 Cumulative  
2 Supplement to the General Statutes, be rewritten to read as follows:

3 **"G.S. 122-85.1. Persons on Parole.** Any person who has been released from any penal  
4 institution on parole who becomes mentally ill or inebriate shall be hospitalized, in the manner  
5 provided in Article 7 of this Chapter, in the appropriate State hospital."

6           **Sec. 29.** That G.S. 122-86 be amended by substituting the word "illness" for the  
7 word "disorder" in the catch line and each time that the latter appears in said Section.

8           **Sec. 30.** That G.S. 122-87 be amended as follows:

9           (a) the word "ill" is to be substituted for the word "disordered" in said Section;

10           (b) the word "hospitalized" is to be substituted for the word "committed" each  
11 time the latter appears in said Section; and,

12           (c) the word "residence" is to be substituted for the word "settlement" in the last  
13 sentence thereof.

14           **Sec 31.** That G.S. 122-87.1, as the same appears in the 1961 Cumulative  
15 Supplement to the General Statutes, be amended by substituting the word "hospitalized" for the  
16 word "committed", and the number "7" for the number "3" both in the last line thereof.

17           **Sec. 32.** That G.S. 122-88 be amended as follows:

18           (a) the word "ill" is to be substituted for the word "disordered" each time that  
19 the latter appears in the Section;

20           (b) the word "seven" is to be substituted for the word "three" in line six of said  
21 Section; and,

22           (c) the word "hospitalize" is to be substituted for the word "commit" in line nine  
23 of said Section.

24           **Sec. 33.** That G.S. 122-89 be amended by substituting the word "ill" for the word  
25 "disordered" each time the latter appears in the Section.

26           **Sec. 34.** That G.S. 110-38 be amended by rewriting the second sentence thereof to  
27 read as follows:

28           "If it shall appear to the court that any child within the jurisdiction of the court is mentally  
29 retarded, the court may appoint a responsible person to make an application for the admission  
30 of such child to the appropriate center for the care and treatment of the mentally retarded, in  
31 accordance with the provisions of G.S. 122-70."

32           **Sec. 35.** That Article 6 of Chapter 35 of the General Statutes of North Carolina,  
33 entitled "Detention, Treatment, and Cure of Inebriates" is hereby repealed.

34           **Sec. 36.** That Article 8 of Chapter 35 of the General Statutes of North Carolina,  
35 entitled "Temporary Care and Restraint of Inebriates, Drug Addicts and Persons Insane" is  
36 hereby repealed.

37           **Sec. 37.** That G.S. 35-3, as the same appears in the 1961 Cumulative Supplement to  
38 the General Statutes, be amended by adding "or mentally retarded" after the word "memory"  
39 and before the comma in line six of said Section.

40           **Sec. 38.** That G.S. 35-68, as the same appears in the 1961 Cumulative Supplement  
41 to the General Statutes, be amended by placing a period after the word "transferee" in line two  
42 thereof and by deleting the remainder of said Section.

43           **Sec. 39.** That G.S. 122-91, as the same appears in the 1961 Cumulative Supplement  
44 to the General Statutes, be amended by inserting a period after the word "court" in line thirteen  
45 of said Section and by deleting the remainder of the sentence; and, by adding a new sentence  
46 following the period inserted after the word "court" in line thirteen of said Section, to read as  
47 follows:

48           "It shall also be the duty of the clerk to notify the Clerk of the Superior Court of the county  
49 in which the alleged criminal is hospitalized, and the duty of the clerk so notified to initiate  
50 proceedings to have the alleged criminal hospitalized for a minimum necessary period under  
51 the procedures prescribed in G.S. 122-65."

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**Sec. 40.** All laws and clauses of laws in conflict herewith are hereby repealed.

**Sec. 41.** This Act shall be in full force and effect from and after July 1, 1963.

In the General Assembly read three times and ratified, this the 25th day of June,

1963.