

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1433  
SENATE BILL 1049

AN ACT TO REWRITE G.S. 122-85 CONCERNING MENTALLY ILL CONVICTS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 122-85 is rewritten to read as follows:

"§ 122-85. **Convicts becoming mentally ill.** — (a) A convict who becomes mentally ill and imminently dangerous to himself or others after commitment to any penal institution in the State shall be processed in accordance with Article 5A of this Chapter, as modified by this section, except when the provisions of Article 5A are manifestly inappropriate. A staff psychiatrist of the prison shall execute the affidavit required by G.S. 122-58.3, and send it to the clerk of superior court of the county in which the penal 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. 122-58.5. The hearing shall be conducted in a district courtroom. If the judge finds by clear, cogent, and convincing evidence that the respondent is mentally ill and imminently dangerous to himself or others, he shall order him transferred for treatment to a regional psychiatric facility designated by the Division of Mental Health Services.

(b) If the sentence of a convict-respondent expires while he is committed to a regional psychiatric center, he shall be considered in all respects as if he had been initially confined under Article 5A.

(c) If, in the opinion of the chief of medical services of the regional psychiatric facility, a convict-respondent ceases to be mentally ill and imminently dangerous to himself or others, he shall notify the Office of Correction which shall arrange for the convict-respondent's return to a prison facility.

(d) Special counsel at a regional psychiatric facility shall represent any convict who becomes mentally ill and imminently dangerous to himself or others while confined in a penal facility in the same county."

**Sec. 2.** This act shall become effective the same day that Senate Bill 981, if ratified, becomes effective. If Senate Bill 981, is not ratified, this act shall be void and of no effect.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.