

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 1256  
HOUSE BILL 1373

1 AN ACT RELATING TO PUBLIC DRUNKENNESS, THE DEFENSE OF CHRONIC  
2 ALCOHOLISM AND THE TREATMENT OF CHRONIC ALCOHOLICS.

3  
4 The General Assembly of North Carolina do enact:  
5

6 **Section 1.** G.S. 14-335 is hereby rewritten to read as follows:

7 "§ 14-335. **Public Drunkenness.** (a) If any person shall be found drunk or intoxicated in any  
8 public place, he shall be guilty of a misdemeanor and upon conviction or plea of guilty shall be  
9 punished by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not more than  
10 20 days in the county jail. Upon conviction for any subsequent offense under this Section  
11 within a 12-month period he shall be punished by a fine of not more than fifty dollars (\$50.00)  
12 or by imprisonment for not more than 20 days in the county jail or by commitment to the  
13 custody of the Director of Prisons for an indeterminate sentence of not less than 30 days and  
14 not more than six months.

15 (b) The Director of Prisons or his agent shall designate the place of confinement within  
16 the State prison system where a person committed to the Director's custody under the  
17 provisions of this Section shall begin service of the sentence. At any time during the period  
18 such person is committed to the custody of the Director, the Director or his agent may authorize  
19 his release under such conditions as the Director or his agent may prescribe, in order to receive  
20 care and treatment from a specified hospital, outpatient clinic, or other appropriate facility or  
21 program outside the State prison system. The conditions of release may be modified or the  
22 conditional release may be revoked by the Director or his agent at any time during the period  
23 such person is committed to the Director's custody, provided that the total time served in  
24 confinement and on conditional release shall not exceed a term of six months from the date of  
25 entry into the State prison system. If a conditional release is revoked, the revocation order shall  
26 constitute authority for any prison, parole or peace officer to arrest such person without a  
27 warrant and return him to a facility of the State prison system. The Director of Prisons shall  
28 require any person committed to his custody under the provisions of this Section to serve at  
29 least 30 days of the sentence, but this minimum term can be served in part on conditional  
30 release after a period of confinement. The Director or his agent may discharge the person from  
31 custody at any time after service of the minimum term.

32 (c) Chronic alcoholism shall be an affirmative defense to the charge of public  
33 drunkenness. For the purpose of this Section, chronic alcoholism shall be as defined in Article  
34 7A of Chapter 122. When the defense of chronic alcoholism is shown to the satisfaction of the  
35 trier of fact, and a judgment of not guilty by reason of chronic alcoholism is entered, the court  
36 may follow the treatment procedures outlined in Article 7A of Chapter 122."

37 **Sec. 2.** Chapter 122 of the General Statutes of North Carolina is hereby amended by  
38 adding a new Article to be numbered Article 7A and entitled "Chronic Alcoholics" and to read  
39 as follows:  
40

41 "Article 7A

42 Chronic Alcoholics

§ 122-65.6. **Definitions.** For the purposes of this Article, the following definitions shall apply:

- 1 (1) 'court' shall mean any trial court of this State, except a justice of the peace or  
2 mayor's court;
- 3 (2) 'chronic alcoholic' shall mean any person who has been found by any court  
4 to have the illness or condition known as chronic alcoholism;
- 5 (3) 'chronic alcoholism' shall mean the chronic and habitual use of alcoholic  
6 beverages by a person to the extent that he has lost the power of self-control  
7 with respect to the use of such beverages.

8 **§ 122-65.7. Jurisdiction of Trial Court over Persons Acquitted of Public Drunkenness by**  
9 **Reason of Chronic Alcoholism.** (a) Any court before which a person is acquitted of public  
10 drunkenness by reason of chronic alcoholism may retain jurisdiction over such person for  
11 purposes of treatment. Upon such acquittal the presiding judge may then take the action  
12 authorized by this Article or may order the chronic alcoholic to return to court at a subsequent  
13 time before himself or another judge for action to be taken under the authority of this Article. In  
14 the event that the chronic alcoholic does not comply with or is not responsive to the action  
15 prescribed by the court, the court may order him to return or be returned to court so that some  
16 other action may be taken. Jurisdiction over such chronic alcoholic may be retained for so long  
17 as appropriate for treatment but no longer than two years.

18 (b) If at the time of acquittal or upon later return to court the presiding judge determines  
19 that the chronic alcoholic is likely to endanger himself or others, the presiding judge may order  
20 him to be taken into custody and detained for not longer than five days in his own home, in a  
21 private or public hospital, or in any other suitable facility approved by the local health director  
22 for such detention, and returned to court for any further action to be taken under the authority  
23 of this Article.

24 **§ 122-65.8. Procedures for Treatment.** Any court having jurisdiction over a chronic  
25 alcoholic pursuant to § 122-65.7 is authorized to take any one or more of the following actions:

- 26 (1) enter an order for the Clerk of the Superior Court to commence the judicial  
27 hospitalization procedures in Article 7 of this Chapter; such order shall serve  
28 in lieu of and have the same effect as the affidavit and request for  
29 examination required in § 122-60;
- 30 (2) direct the chronic alcoholic in cooperation with any member of his family or  
31 other responsible person to make and follow plans for his treatment in a  
32 private facility or program approved by the North Carolina Department of  
33 Mental Health;
- 34 (3) refer the chronic alcoholic to a private physician or psychiatrist or to a  
35 hospital diagnostic center or to a private social or welfare organization;
- 36 (4) request the local department of public welfare or other appropriate local  
37 governmental agency or official to work with the chronic alcoholic and to  
38 make such reports as to his treatment or condition as requested by the court;
- 39 (5) make or approve any other plan or arrangement which may be appropriate  
40 for the treatment of the chronic alcoholic and require for so long as  
41 appropriate to treatment submission of periodic reports as to his treatment or  
42 condition, in the court's discretion.

43 **§ 122-65.9. Article Supplementary to Other Provisions.** The provisions of this Article are  
44 supplementary to, and not in substitution for, other provisions of this Chapter except as  
45 expressly provided for herein."

46 **Sec. 3.** Subparagraph (6)(b) of G.S. 18-51, as rewritten by Chapter 222 of the 1967  
47 Session Laws, is hereby repealed and subsequent subparagraphs renumbered accordingly.

48 **Sec. 4.** All local public drunkenness statutes and all other laws and clauses of laws  
49 in conflict with this Act are hereby repealed.

50 **Sec. 5.** This Act shall become effective upon its ratification.

51 In the General Assembly read three times and ratified, this the 6th day of July, 1967.