

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

2

HOUSE BILL 533  
Committee Substitute Favorable 5/9/13

Short Title: Detention of Mentally Ill in Facility.

(Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS AND LAW ENFORCEMENT  
IN ASHE COUNTY TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP  
A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN  
AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO  
COURT ORDER.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 122C-263 reads as rewritten:

"§ 122C-263. **Duties of law-enforcement officer; first examination by physician or eligible psychologist.**

(a) Without unnecessary delay after assuming custody, the law enforcement officer or the individual designated by the clerk or magistrate under G.S. 122C-251(g) to provide transportation shall take the respondent to an area facility for examination by a physician or eligible psychologist; if a physician or eligible psychologist is not available in the area facility, the person designated to provide transportation shall take the respondent to any physician or eligible psychologist locally available. If a physician or eligible psychologist is not immediately available, the respondent may be temporarily detained in an area facility, if one is available; if an area facility is not available, the respondent may be detained under appropriate supervision in the respondent's home, in a private hospital or a clinic, in a general hospital, or in a State facility for the mentally ill, but not in a jail or other penal facility. A law enforcement officer or a company police officer employed by a hospital that is certified as a company police agency by the Attorney General and has been granted authority by the Attorney General to commission company police officers under G.S. 74E-2(b) may use appropriate and reasonable force and means to keep the respondent at the facility or other location where the respondent is to be detained, and if pursuant to a continuous and immediate pursuit, to return the respondent to the facility or other location where the respondent is to be detained.

...."

**SECTION 2.** This act applies to Ashe County only.

**SECTION 3.** This act is effective when it becomes law.

