

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 359

Short Title: Insanity Defense/Cond. Release.

(Public)

Sponsors: Senators Albertson; Ballance, Carpenter, Cooper, Gulley, Kerr, Soles, and Winner.

Referred to: Judiciary.

March 11, 1997

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT THERE IS AN OPTION OF CONDITIONAL
2 RELEASE FROM A MENTAL FACILITY FOR A PERSON FOUND NOT
3 GUILTY BY REASON OF INSANITY IN ADDITION TO DISCHARGE AND
4 RELEASE FROM THE FACILITY.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 122C-268.(i) reads as rewritten:

8 "(i) The respondent shall bear the burden to prove by a preponderance of the
9 evidence that he (i) no longer has a mental illness as defined in G.S. 122C-3(21), or (ii) is
10 no longer dangerous to others as defined in G.S. 122C-3(11)b. If the court is so satisfied,
11 then the court shall order the respondent discharged and ~~released.~~ released or
12 conditionally released in accordance with G.S. 122C-277. If the court finds that the
13 respondent has not met his burden of proof, then the court shall order that inpatient
14 commitment continue at a 24-hour facility designated pursuant to G.S. 122C-252 for a
15 period not to exceed 90 days. The court shall make a written record of the facts that
16 support its findings."

17 Section 2. This act is effective when it becomes law.