

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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SENATE BILL 709

Short Title: Allow Clerks to Dismiss Certain IVC Cases. (Public)

Sponsors: Senator Garrett (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING CLERKS OF COURT TO DISMISS INVOLUNTARY
3 COMMITMENT PROCEEDINGS AT ANY TIME PENDING A DISTRICT COURT
4 HEARING UPON A DETERMINATION BY THE ATTENDING PHYSICIAN THAT
5 THE RESPONDENT NO LONGER MEETS THE CRITERIA FOR INVOLUNTARY
6 COMMITMENT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 122C-266(d) reads as rewritten:

9 "(d) Pending the district court hearing, the physician attending the respondent may
10 administer to the respondent reasonable and appropriate medication and treatment that is
11 consistent with accepted medical standards. Except as provided in subsection (b) of this section,
12 if at any time pending the district court hearing, the attending physician ~~determines~~ determines,
13 upon further examination as specified in G.S. 122C-263(c), that the respondent no longer meets
14 the criteria of either G.S. 122C-263(d)(1) or (d)(2), he the attending physician shall record these
15 findings in writing, release the respondent and notify respondent, and send a copy of the written
16 findings to the clerk of court and by reliable and expeditious means. Upon receipt of a written
17 finding by an attending physician that a respondent has been released because the respondent no
18 longer meets these criteria, the clerk of court shall terminate the proceedings shall be
19 terminated and enter a dismissal order specifying that the respondent no longer meets these
20 criteria."

21 **SECTION 2.** This act becomes effective October 1, 2021, and applies to cases
22 pending on or after that date.

