

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 767  
HOUSE BILL 994

1 AN ACT TO REPEAL G.S. 122-90 AND REWRITE G.S. 122-91 TO AUTHORIZE  
2 DISTRICT COURT JUDGES TO ORDER ALLEGED CRIMINALS TO BE  
3 COMMITTED TO A STATE HOSPITAL FOR OBSERVATION AND TREATMENT.  
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5 The General Assembly of North Carolina do enact:  
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7 **Section 1.** G.S. 122-90 is hereby repealed.

8 **Sec. 2.** G.S. 122-91 is rewritten to read as follows:

9 "Any alleged criminal indicted or charged with the commission of a felony may, on the  
10 order of the presiding or resident judge of the superior court or the chief district court judge, in  
11 or out of session, be committed to a State hospital for a period of not exceeding sixty days for  
12 observation and treatment. The order of commitment shall contain the name and address of the  
13 nearest responsible relative, if known, and shall also contain the address of the alleged criminal,  
14 if known. If at the end of the observation and treatment period herein provided the alleged  
15 criminal is found to be mentally incompetent of pleading to the charge against him, the  
16 superintendent of the state hospital concerned shall report his findings and recommendations to  
17 the clerk of superior court of the county from which the alleged criminal was committed. It  
18 shall be the duty of such clerk to bring the report to the attention of the presiding or residing  
19 judge of the superior court or the chief district court judge. It shall also be the duty of the clerk  
20 to notify the clerk of the superior court of the county in which the alleged criminal is  
21 hospitalized, and the duty of the clerk so notified to initiate proceedings to have the alleged  
22 criminal hospitalized for a minimum necessary period under the procedures prescribed in G.S.  
23 122-65. If the alleged criminal shall be found competent, the superintendent of the State  
24 hospital concerned shall report his findings to the clerk of the superior court of the county from  
25 which such alleged criminal was committed and the clerk shall notify the sheriff who shall  
26 remove the alleged criminal from the State hospital and return him to the county for trial."

27 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

28 **Sec. 4.** This Act shall become effective upon ratification.

29 In the General Assembly read three times and ratified, this the 10th day of June,  
30 1969.