

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 749
SENATE BILL 393

AN ACT TO PROVIDE FOR RETURN OF CLIENTS TO 24-HOUR FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-205 is rewritten to read:

"§ 122C-205. **Return of clients to 24-hour facilities.**—(a) When a client of a 24-hour facility who:

- (1) has been involuntarily committed;
- (2) is being detained pending a judicial hearing;
- (3) has been voluntarily admitted but is a minor or incompetent adult;
- (4) has been placed on conditional release from the facility; or
- (5) has been involuntarily committed or voluntarily admitted and is the subject of a detainer placed with the 24-hour facility by an appropriate official

escapes or breaches a condition of his release, if applicable, the responsible professional shall notify or cause to be notified immediately the appropriate law enforcement agency in the county of residence of the client, the appropriate law enforcement agency in the county where the facility is located, and the appropriate law enforcement agency in any county where there are reasonable grounds to believe that the client may be found. The responsible professional shall determine the amount of personal identifying and background information reasonably necessary to divulge to the law enforcement agency or agencies under the particular circumstances involved in order to assure the expeditious return of the client to the 24-hour facility involved and protect the general public.

(b) When a competent adult who has been voluntarily admitted to a 24-hour facility escapes or breaches a condition of his release, the responsible professional, in the exercise of accepted professional judgment, practice, and standards, will determine if it is reasonably foreseeable that:

- (1) the client may cause physical harm to others or himself;
- (2) the client may cause damage to property;
- (3) the client may commit a felony or a violent misdemeanor; or
- (4) that the health or safety of the client may be endangered

unless he is immediately returned to the facility. If the responsible professional finds that any or all of these occurrences are reasonably foreseeable, he will follow the same procedures as those set forth in subsection (a) of this section.

(c) Upon receipt of notice of an escape or breach of a condition of release as described in subsections (a) and (b) of this section, an appropriate law enforcement

officer shall take the client into custody and have the client returned to the 24-hour facility from which the client has escaped or has been conditionally released. Transportation of the client back to the 24-hour facility shall be provided in the same manner as described in G.S. 122C-251 and G.S. 122C-408(b). Law enforcement agencies who are notified of a client's escape or breach of conditional release shall be notified of the client's return by the responsible 24-hour facility. Under the circumstances described in this section, the initial notification by the 24-hour facility of the client's escape or breach of conditional release shall be given by telephone communication to the appropriate law enforcement agency or agencies and, if available and appropriate, by Division of Criminal Information (DCI) message to any law enforcement agency in or out of state and by entry into the National Crime Information Center (NCIC) telecommunications system. As soon as reasonably possible following notification, written authorization to take the client into custody shall also be issued by the 24-hour facility. Under this section, law enforcement officers shall have the authority to take a client into custody upon receipt of the telephone notification or Division of Criminal Information message prior to receiving written authorization. The notification of a law enforcement agency does not, in and of itself, render this information public information within the purview of Chapter 132 of the General Statutes. However, the responsible law enforcement agency shall determine the extent of disclosure of personal identifying and background information reasonably necessary, under the circumstances, in order to assure the expeditious return of a client to the 24-hour facility involved and to protect the general public and is authorized to make such disclosure. The responsible law enforcement agency may also place any appropriate message or entry into either the Division of Criminal Information System or National Crime Information System, or both, as appropriate.

(d) In the situations described in subsections (a) and (b) of this section, the responsible professional shall also notify or cause to be notified as soon as practicable:

- (1) the next of kin of the client or legally responsible person for the client;
- (2) the clerk of superior court of the county of commitment of the client;
- (3) the area authority of the county of residence of the client, if appropriate;
- (4) the physician or eligible psychologist who performed the first examination for a commitment of the client, if appropriate; and
- (5) any official who has placed a detainer on a client as described in subdivision (a)(5) of this section

of the escape or breach of condition of the client's release upon occurrence of either action and of his subsequent return to the facility."

Sec. 2. G.S. 122C-52(d) is amended by inserting the phrase "G.S. 122C-205 and" immediately following the phrase "no provision of" and immediately preceding the phrase "G.S. 122C-53 through G.S. 122C-56".

Sec. 3. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 7th day of August, 1987.