

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1364  
Committee Substitute Favorable 5/18/89

Short Title: Insanity Verdict Study Comm.

(Public)

Sponsors:

Referred to:

April 21, 1989

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A COMMISSION TO STUDY THE ISSUES OF WHETHER OR NOT THE SUBSTANTIVE CRIMINAL LAW OF NORTH CAROLINA SHOULD INCLUDE A VERDICT OF GUILTY BUT MENTALLY ILL AND WHETHER THE EXISTING LAW OF NORTH CAROLINA REGARDING INVOLUNTARY COMMITMENT OF THOSE DEFENDANTS FOUND NOT GUILTY BY REASON OF INSANITY IS ADEQUATE TO PROTECT THE PUBLIC.

The General Assembly of North Carolina enacts:

Section 1. The Insanity Verdict Study Commission is created. The Commission shall consist of 16 members to be appointed by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor of North Carolina as set forth below:

- (1) The Speaker of the House of Representatives shall appoint:
  - a. Four members of the House of Representatives;
  - b. A duly-licensed physician employed by the State of North Carolina practicing psychiatry at a State hospital for the treatment of the mentally ill; and
  - c. A duly-elected sheriff of a county or his designated representative.
- (2) The President Pro Tempore of the Senate shall appoint:
  - a. Four members of the Senate;

1           b.     The Attorney General of North Carolina or his designated  
2           representative; and

3           c.     A duly-elected District Attorney.

4           (3)    The Governor of North Carolina shall appoint:

5           a.     A duly-licensed attorney practicing criminal law in the General  
6           Court of Justice of North Carolina, Superior Court Division;

7           b.     A representative of a victims' group;

8           c.     A representative of an advocacy group for the mentally ill; and

9           d.     A citizen of North Carolina to be appointed at large.

10          Sec. 2. The President Pro Tempore of the Senate shall designate one Senator  
11 as cochairman and the Speaker of the House of Representatives shall designate one  
12 Representative as cochairman.

13          Sec. 3. The Commission shall:

14          (1)    Study the entire area of the insanity defense in criminal cases;

15          (2)    Recommend potential changes to the law of North Carolina, including  
16 but not limited to determining whether the criminal law of North  
17 Carolina should permit a verdict of guilty but mentally ill;

18          (3)    Determine and evaluate the sentencing, incarceration, and  
19 hospitalization alternatives arising both out of insanity pleas and  
20 verdicts and in determinations of incapacity to proceed under current  
21 law and under any proposal the Commission may make for changes in  
22 the law; and

23          (4)    Determine whether the current law of North Carolina regarding the  
24 involuntary commitment of those defendants found not guilty by  
25 reason of insanity and those defendants having been found  
26 incompetent to stand trial is adequate to protect the public and  
27 recommend any changes that may be necessary to better assure public  
28 safety and welfare.

29          Sec. 4. The Commission shall submit a final report of its findings and  
30 recommendations to the General Assembly on or before the first day of the 1989  
31 Session of the General Assembly, Regular Session 1990, by filing the report with the  
32 President Pro Tempore of the Senate and the Speaker of the House of Representatives.  
33 Upon filing its final report, the Commission shall terminate. Any proposed legislation  
34 which may arise upon recommendations from the Commission may be introduced  
35 without the necessity of any suspension of the rules in order to be considered by the  
36 1989 Session of the General Assembly, Regular Session 1990.

37          Sec. 5. The Commission, while in the discharge of official duties, may  
38 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-  
39 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call  
40 of the cochairmen. The Commission may meet in the Legislative Building or the  
41 Legislative Office Building.

42          Sec. 6. Members of the Commission who are members of the General  
43 Assembly shall receive subsistence and travel expenses at the rates set forth in G.S. 120-

1 3.1. Other members shall receive per diem, travel, and subsistence as provided by G.S.  
2 138-5 or G.S. 138-6 as appropriate.

3           Sec. 7. The Commission may contract for professional, clerical, or consultant  
4 services, subject to the provisions of G.S. 120-32.02. The Legislative Services  
5 Commission, through the Legislative Administrative Officer, shall assign professional  
6 staff to assist in the work of the Commission. The House of Representatives' and the  
7 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the  
8 direction of the Legislative Services Commission. The expenses relating to clerical  
9 employees shall be borne by the Commission.

10           Sec. 8. When a vacancy occurs in the membership of the Commission the  
11 vacancy shall be filled by the same appointing officer who made the initial appointment.

12           Sec. 9. All State departments and agencies and local governments and their  
13 subdivisions shall furnish the Commission with any information in their possession or  
14 available to them.

15           Sec. 10. There is appropriated to the Insanity Verdict Study Commission the  
16 sum of \$50,000 from the General Fund for the 1989-90 fiscal year for the expenses of  
17 the Commission.

18           Sec. 11. This act shall become effective July 1, 1989.