

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE JOINT RESOLUTION DRHJR50219-LH-93B (2/18)

Sponsors: Representative Randleman.

Referred to:

1 A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY THE CURRENT CRIMINAL AND MENTAL HEALTH
3 LAWS AND PROCEDURES REGARDING INCAPACITY TO PROCEED TO TRIAL
4 AND INVOLUNTARY COMMITMENT.

5 Be it resolved by the House of Representatives, the Senate concurring:

6 **SECTION 1.** The Legislative Research Commission may study the adequacy of
7 the involuntary commitment process for a criminal defendant who lacks the capacity to proceed
8 to trial. In its study, the Commission may consider the impact of current law on the limited
9 resources of local law enforcement, hospitals, mental health facilities, and the State's court
10 system while balancing the rights of the accused, victims, and the safety and the general
11 welfare of the public. The Commission may also consider options for determining whether a
12 defendant is likely to attain the capacity to proceed to trial in the foreseeable future and at what
13 point in the process that determination should be made. The Commission shall evaluate the
14 statutory option of taking dismissals in these types of cases for defendants who are charged
15 with nonviolent crimes and for defendants who are charged with violent crimes, how often that
16 option is used, and at what point and under what circumstances that option should be used. In
17 addition, the Commission may consider all of the following: issues related to transportation,
18 including the frequency, distance, and cost associated with the required psychiatric evaluations;
19 duration of involuntary commitment for defendants found incapable of proceeding to trial
20 pursuant to Article 56 of Chapter 15A of the General Statutes and involuntarily committed
21 pursuant to Part 7 of Article 5 of Chapter 122C of the General Statutes; and any other issues the
22 Commission considers relevant to this topic.

23 **SECTION 2.** The Legislative Research Commission may make an interim report to
24 the 2011 General Assembly when it reconvenes in 2012 and shall make its final report to the
25 2013 General Assembly.

26 **SECTION 3.** This resolution is effective upon ratification.

