

1 respondent meets the criteria for inpatient commitment, the clerk or
2 magistrate shall issue an order for transportation to or custody at a 24-hour
3 facility described in G.S. 122C-252, provided that if a 24-hour facility is not
4 immediately available or appropriate to the respondent's medical condition,
5 the respondent may be temporarily detained under appropriate supervision
6 and, upon further examination, released in accordance with
7 G.S. 122C-263(d)(2).

8 (5) If the affiant is a physician or eligible psychologist at a 24-hour facility
9 described in G.S. 122C-252 who recommends inpatient commitment; the
10 respondent is physically present on the premises of the same 24-hour
11 facility; and the clerk or magistrate finds probable cause to believe that the
12 respondent meets the criteria for inpatient commitment, then the clerk or
13 magistrate may issue by facsimile transmission an order to the physician or
14 eligible psychologist at the 24-hour facility, or a designee, to take the
15 respondent into custody at the 24-hour facility and proceed according to
16 G.S. 122C-266. Upon receipt of the custody order, the physician or eligible
17 psychologist at the 24-hour facility, or a designee, shall immediately (i)
18 notify the respondent that the respondent is not under arrest and has not
19 committed a crime but is being taken into custody to receive treatment and
20 for the respondent's own safety and the safety of others, (ii) take the
21 respondent into custody, and (iii) complete and sign the appropriate portion
22 of the custody order and return the order to the clerk or magistrate by
23 facsimile transmission. The physician or eligible psychologist, or a designee,
24 shall mail the original custody order no later than five days after transmitting
25 it by facsimile to the clerk or magistrate. The clerk or magistrate shall file
26 the original custody order with the facsimile copy of the custody order.
27 Notwithstanding the provisions of this subdivision, a clerk or magistrate
28 shall not issue a custody order to a physician or eligible psychologist at a
29 24-hour facility, or a designee, who has not completed training in proper
30 service and return of service. As used in this subdivision, the term
31 "designee" includes the 24-hour facility's on-site police security personnel.

32 (6) If the clerk or magistrate finds probable cause to believe that the respondent,
33 in addition to being mentally ill, is also mentally retarded, the clerk or
34 magistrate shall contact the area authority before issuing the order and the
35 area authority shall designate the facility to which the respondent is to be
36 transported.

37 (7) If a physician or eligible psychologist executes an affidavit for inpatient
38 commitment of a respondent, a second physician shall be required to
39 perform the examination required by G.S. 122C-266."

40 **SECTION 2.** G.S. 122C-261(e) reads as rewritten:

41 "(e) ~~Upon~~ Except as provided in subsection (d) of this section, upon receipt of the
42 custody order of the clerk or magistrate or a custody order issued by the court pursuant to
43 G.S. 15A-1003, a law enforcement officer or other person designated in the order shall take the
44 respondent into custody within 24 hours after the order is signed, and proceed according to
45 G.S. 122C-263. The custody order is valid throughout the State."

46 **SECTION 3.** This act becomes effective October 1, 2013.