

Magistrate Fall Conference – 2026

Excerpt from Session Law 2026-38, House Bill 1104, Modifying Outpatient Commitment Standard

SECTION 11.(b) G.S. 122C-263 reads as rewritten:

"§ 122C-263. Duties of law enforcement officer; first examination.

(d) After the conclusion of the examination the commitment examiner shall make the following determinations:

(1) If the commitment examiner finds all of the following, the commitment examiner shall so show on the examination report and shall recommend outpatient commitment:

a. The respondent has a mental illness.

b. The respondent is reasonably determined to be capable of surviving safely in the ~~community with available supervision from family, friends, or others.~~ community, without posing a danger to others, when engaged in treatment for the respondent's mental illness.

c. Based on the respondent's psychiatric history, the respondent is in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness as defined by G.S. 122C-3(11).

d. The respondent's current mental status or the nature of the respondent's illness limits or negates the respondent's ability to make an informed decision to seek voluntarily or comply with recommended treatment.

e. The respondent has a history of declining or nonadherence to prescribed treatment by a licensed treatment provider and one or more of the following, occurring within the relevant past:

1. A demonstrated history of prior violent convictions.

2. Repeated violations of a civil protective order.

3. Repeated incarcerations.

4. Repeated involuntary inpatient psychiatric hospitalizations.

f. The respondent is scheduled to be discharged from an inpatient hospital setting or released from a county jail or state prison. An individual residing in a noninstitutional setting that meets all other criteria set forth in sub-subdivisions a. through e. of this subdivision may be subject to outpatient commitment within the court's discretion.