

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 312

Short Title: Venue for Insanity Hearings.

(Public)

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Sponsors: Senators Horton and Cochrane.

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Referred to: Judiciary II/Election Laws

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March 7, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW AN INSANITY HEARING FOR A DEFENDANT FOUND NOT  
2 GUILTY BY REASON OF INSANITY TO BE HELD IN THE SAME COUNTY AS  
3 THE RESPONDENT'S TRIAL WAS HELD.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 122C-268.1(b) reads as rewritten:

7 "(b) The district attorney in the county in which the respondent was found not  
8 guilty by reason of insanity may represent the State's interest at the hearing, rehearings,  
9 and supplemental rehearings. If the district attorney elects to represent the State's  
10 interest, upon motion of the district attorney, the venue for the hearing shall be the county  
11 in which the respondent was found not guilty by reason of insanity. If the district  
12 attorney declines to represent the State's interest, then the representation shall be  
13 determined as follows. An attorney, who is a member of the staff of the Attorney General  
14 assigned to one of the State's facilities for the mentally ill or the psychiatric service of the  
15 University of North Carolina Hospitals at Chapel Hill, may represent the State's interest  
16 at commitment hearings, rehearings, and supplemental hearings. Alternatively, the  
17 Attorney General may, in his discretion, designate an attorney who is a member of his  
18 staff to represent the State's interest at any commitment hearing, rehearing, or  
19 supplemental hearing."

20 Sec. 2. This act is effective upon ratification.