

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 533

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H533-ATO-11 [v.3]

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Comm. Sub. [NO]  
Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2013

Representative Jordan

1 moves to amend the bill on page 1, line 2 by rewriting that line to read:

2  
3 "AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS"

4  
5 and on page 1, lines 8-27 by rewriting those lines to read:

6  
7 "SECTION 1. G.S. 122C-251 reads a rewritten:

8 **§ 122C-251. Transportation.**

9 (a) Except as provided in subsections (f) and (g), transportation of a respondent within a  
10 county under the involuntary commitment proceedings of this Article, including admission and  
11 discharge, shall be provided by the city or county. The city has the duty to provide  
12 transportation of a respondent who is a resident of the city or who is taken into custody in the  
13 city limits. The county has the duty to provide transportation for a respondent who resides in  
14 the county outside city limits or who is taken into custody outside of city limits. However,  
15 cities and counties may contract with each other to provide transportation.

16 (b) Except as provided in subsections (f) and (g) or in G.S. 122C-408(b), transportation  
17 between counties under the involuntary commitment proceedings of this Article for admission  
18 to a 24-hour facility shall be provided by the county where the respondent is taken into custody.  
19 Transportation between counties under the involuntary commitment proceedings of this Article  
20 for respondents held in 24-hour facilities who have requested a change of venue for the district  
21 court hearing shall be provided by the county where the petition for involuntary commitment  
22 was initiated. Transportation between counties under the involuntary commitment proceedings  
23 of this Article for discharge of a respondent from a 24-hour facility shall be provided by the  
24 county of residence of the respondent. However, a respondent being discharged from a facility  
25 may use his own transportation at his own expense.

26 (c) Transportation of a respondent may be by city-or county-owned vehicles or by  
27 private vehicle by contract with the city or county. To the extent feasible, law enforcement  
28 officers transporting respondents shall dress in plain clothes and shall travel in unmarked  
29 vehicles. Further, law enforcement officers, to the extent possible, shall advise respondents  
30 when taking them into custody that they are not under arrest and have not committed a crime,  
31 but are being transported to receive treatment and for their own safety and that of others.



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1 (d) In providing transportation of a respondent, a city or county shall provide a driver or  
2 attendant who is the same sex as the respondent, unless the law-enforcement officer allows a  
3 family member of the respondent to accompany the respondent in lieu of an attendant of the  
4 same sex as the respondent.

5 (e) In providing transportation required by this section, the law-enforcement officer  
6 may use reasonable force to restrain the respondent if it appears necessary to protect himself,  
7 the respondent, or others. No law-enforcement officer may be held criminally or civilly liable  
8 for assault, false imprisonment, or other torts or crimes on account of reasonable measures  
9 taken under the authority of this Article.

10 (f) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a  
11 clerk, a magistrate, or a district court judge, where applicable, may authorize the family or  
12 immediate friends of the respondent, if they so request, to transport the respondent in  
13 accordance with the procedures of this Article. This authorization shall only be granted in cases  
14 where the danger to the public, the family or friends of the respondent, or the respondent  
15 himself is not substantial. The family or immediate friends of the respondent shall bear the  
16 costs of providing this transportation.

17 (g) The governing body of a city or county may adopt a plan for transportation of  
18 respondents in involuntary commitment proceedings in this Article. Law-enforcement  
19 personnel, volunteers, or other public or private agency personnel may be designated to provide  
20 all or parts of the transportation required by involuntary commitment proceedings. Persons so  
21 designated shall be trained and the plan shall assure adequate safety and protections for both  
22 the public and the respondent. Law enforcement, other affected agencies, and the area authority  
23 shall participate in the planning. If any person other than a law-enforcement agency is  
24 designated by a city or county, the person so designated shall provide the transportation and  
25 follow the procedures in this Article. References in this Article to a law-enforcement officer  
26 apply to this person.

27 (h) The cost and expenses of transporting a respondent to or from a 24-hour facility is  
28 the responsibility of the county of residence of the respondent. The State (when providing  
29 transportation under G.S. 122C-408(b)), a city, or a county is entitled to recover the reasonable  
30 cost of transportation from the county of residence of the respondent. The county of residence  
31 of the respondent shall reimburse the State, another county, or a city the reasonable  
32 transportation costs incurred as authorized by this subsection. The county of residence of the  
33 respondent is entitled to recover the reasonable cost of transportation it has paid to the State, a  
34 city, or a county. Provided that the county of residence provides the respondent or other  
35 individual liable for the respondent's support a reasonable notice and opportunity to object to  
36 the reimbursement, the county of residence of the respondent may recover that cost from:

- 37 (1) The respondent, if the respondent is not indigent;  
38 (2) Any person or entity that is legally liable for the resident's support and  
39 maintenance provided there is sufficient property to pay the cost;  
40 (3) Any person or entity that is contractually responsible for the cost; or  
41 (4) Any person or entity that otherwise is liable under federal, State, or local law  
42 for the cost.

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1        (i) If the law enforcement officer vacates the facility after finding, in collaboration with  
2 the facility, that the respondent is safe to be temporarily detained under the appropriate  
3 supervision provided by the facility, an employee commissioned under G.S. 74E-2(b) who is  
4 employed by a hospital certified under G.S. 74E-2(b) may use appropriate and reasonable force  
5 and means to (i) keep the respondent at the facility where the respondent is to be detained, and  
6 (ii) if pursuant to a continuous and immediate pursuit, to return the respondent to the facility  
7 where the respondent is to be detained. This subsection applies when the respondent is being  
8 temporarily detained in accordance with G.S. 122C-261(d), G.S. 122C-263(a), and  
9 122C-263(d)(2)."  
10

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
House Principal Clerk's Office**