

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

H

1

HOUSE BILL 987*

Short Title: Study/Opioid Abuse and Incapacity to Proceed. (Public)

Sponsors: Representatives Hurley and Boles (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary II

April 28, 2016

A BILL TO BE ENTITLED

1 AN ACT TO STUDY OPIOID ABUSE AND HEROIN RESURGENCE IN ADULTS, YOUTH,
2 AND FAMILIES; TO INVESTIGATE THE USE OF VIVITROL AS PART OF THE
3 STATE-FUNDED ALCOHOL AND OPIOID ABUSE TREATMENT SERVICES; AND TO
4 ALLOW REPORTS RECEIVED BY THE COURT ON INCAPACITY TO PROCEED TO
5 BE SHARED WITH TREATMENT PROVIDERS.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Study. – The Governor's Task Force on Mental Health and Substance
9 Abuse shall continue to study the resurgence of opioid and heroin abuse in adults, youth, and
10 families.

11 **SECTION 1.(b)** Report. – The Governor's Task Force on Mental Health and
12 Substance Abuse shall report its findings and recommendations, including any legislative
13 proposals, to the Joint Legislative Oversight Committee on Justice and Public Safety and to the
14 Joint Legislative Oversight Committee on Health and Human Services in the 2017 Regular
15 Session of the 2017 General Assembly, upon its reconvening.

16 **SECTION 2.(a)** Study. – The Department of Health and Human Services in
17 conjunction with the Department of Public Safety shall study the use of Vivitrol as a treatment
18 offered in State-funded alcohol and opioid abuse centers.

19 **SECTION 2.(b)** Report. – The Department of Health and Human Services and the
20 Department of Public Safety shall report its findings to the Joint Legislative Oversight Committee
21 on Justice and Public Safety and to the Joint Legislative Oversight Committee on Health and
22 Human Services in the 2017 Regular Session of the 2017 General Assembly, upon its
23 reconvening.

24 **SECTION 3.(a)** G.S. 15A-1002(d) reads as rewritten:

25 "(d) Any report made to the court pursuant to this section shall be forwarded to the clerk of
26 superior court in a sealed envelope addressed to the attention of a presiding judge, with a covering
27 statement to the clerk of the fact of the examination of the defendant and any conclusion as to
28 whether the defendant has or lacks capacity to proceed. If the defendant is being held in the
29 custody of the sheriff, the clerk shall send a copy of the covering statement to the sheriff. The
30 sheriff and any persons employed by the sheriff shall maintain the copy of the covering statement
31 as a confidential record. A copy of the full report shall be forwarded to defense counsel, or to the
32 defendant if he is not represented by counsel. If the question of the defendant's capacity to proceed
33 is raised at any time, a copy of the full report must be forwarded to the district attorney, as
34 provided in G.S. 122C-54(b). Until such report becomes a public record, the full report to the
35 court shall be kept under such conditions as are directed by the court, and its contents shall not be



1 revealed except the report and the relevant confidential information previously ordered released
2 under subdivision (b)(4) of this section that shall be provided as follows: (i) to clinicians at the
3 program where the defendant is receiving capacity restoration; (ii) to clinicians designated by the
4 Secretary of Health and Human Services, and (iii) as directed by the court. Any report made to the
5 court pursuant to this section shall not be a public record unless introduced into evidence."

6 **SECTION 3.(b)** This act is effective when it becomes law.