

## 7.1 Overview

A defendant found not guilty by reason of insanity is not subject to further criminal proceedings related to the charges adjudicated. North Carolina statutes require, however, that a defendant found not guilty by reason of insanity (NGRI) be automatically committed to a state facility for the treatment of mental illness. The defendant, now a respondent in the mental health treatment system, cannot be discharged by either the attending physician or the court during the first fifty days.

Defendants who were charged with a crime *not* involving allegations that the defendant inflicted or attempted to inflict serious injury or death are committed to a state facility for the treatment of mental illness. Defendants charged with a crime involving allegations that the defendant inflicted or attempted to inflict serious injury or death must be committed to a forensic unit operated by the Department of Health and Human Services. The only such facility currently is the forensic unit at Central Regional Hospital (formerly Dorothea Dix Hospital).

Upon the automatic commitment of the defendant by the criminal court, the statutory provisions for involuntary commitment for treatment of mental illness, contained in Chapter 122C of the North Carolina General Statutes (hereinafter G.S.), apply. Procedures under Chapter 122C, including a hearing in district or superior court, determine whether the individual will remain under commitment and, if so, the term of the commitment.

Respondents found not guilty by reason of insanity in criminal district court are represented by Special Counsel. Respondents found not guilty by reason of insanity in criminal superior court are typically represented by assigned counsel in the civil commitment proceedings.