

## **7.7 Rehearings**

### **A. Hearing Procedures**

Rehearings for NGRI commitments follow the procedures for the initial hearing set forth in G.S. 122C-268.1. G.S. 122C-276.1(b). These procedures are discussed *supra* in § 7.5A through J. As with the initial hearing, the respondent may waive the right to a rehearing. G.S. 122C-276.1(a).

### **B. Clerk of Court to Calendar and Give Notice**

The clerk of court must calendar a rehearing at least fifteen days before the end of any inpatient commitment resulting from an NGRI verdict. Notice is to be given by the clerk according to the same provisions governing the initial hearing. G.S. 122C-276.1(a), (d); *see also supra* § 7.5F.

### **C. Disposition**

As at the initial 122C commitment hearing, the respondent bears the burden of proof at each rehearing. G.S. 122C-276.1(c); *see also supra* § 7.5I. If the respondent carries the burden of proof, the court must order discharge and release. If the burden is not carried, the court may commit the respondent for up to 180 days of inpatient treatment at the first rehearing and for up to one year at each subsequent rehearing. G.S. 122C-276.1(c), (d).