

Chief Administrative Judge, General Sessions
Final NGRI Commitment Order following initial 120 day hospitalization
§17-24-40(C) and §44-17-580

STATE OF SOUTH CAROLINA) **IN THE COURT OF GENERAL SESSIONS**
COUNTY OF _____) Indictment No(s): _____
) A/Warrant No(s): _____
)
The State of South Carolina,) **NOT GUILTY BY REASON OF INSANITY**
) **FINAL ORDER OF COMMITMENT**
vs.) **PURSUANT TO**
) **S.C. CODE ANN. § 17-24-40(C)**
)
_____,)
Defendant.)

This matter comes before the Court for a hearing pursuant to S.C. Code Ann. §17-24-40(C)(1) to determine whether Defendant should continue to be hospitalized pursuant to the standards set forth in S.C. Code Ann. §44-17-580. Based on the evidence presented, the Court makes the following findings of fact:

1. Defendant was adjudicated Not Guilty by Reason of Insanity (NGRI) on _____ for _____.
(Date) (List charges)
2. At that time, because of the verdict Defendant was committed by Order of this Court to the facilities of the South Carolina Department of Mental Health (hereafter, SCDMH) for a period not to exceed one hundred and twenty (120) days pursuant to S.C. Code Ann. §17-24-40(A), for an examination to determine Defendant's need for hospitalization and treatment pursuant to the standard set forth in S.C. Code Ann. §44-17-580.
3. According to the completed evaluation and evidence presented at the hearing, Defendant is mentally ill, needs treatment, and because of the mental condition:
 - (a) does not have the capacity, nor the insight, to make decisions regarding his/her treatment, or

(b) due to his/her condition, poses a likelihood of serious harm to himself/herself or others;

4. I further find that the maximum sentence for the crime(s) for which Defendant was found not guilty by reason of insanity is _____ years.
(possible maximum sentence)

THEREFORE, IT IS ORDERED THAT:

1. The Defendant shall be committed to SCDMH for further treatment.
2. If, at a later date, it is determined by officials of the hospital to which Defendant is committed that defendant is no longer in need of hospitalization, they shall notify the Chief Administrative Judge, the Solicitor (who shall further be responsible for notifying any victim pursuant to S. C. Code Ann. § 16-3-1515), the Defendant, and the Defendant's attorney, and a hearing shall be set within twenty-one days of such notice in accordance with S.C. Code Ann. §17-24-40(C)(2)(c) to determine whether Defendant is in need of further hospitalization pursuant to the standards set forth in S.C. Code Ann. §44-17-580, or may be discharged, with or without conditions to protect the safety of the community and the well-being of the Defendant, in accordance with S.C. Code Ann. §17-24-40(D).

IT IS FURTHER ORDERED, pursuant to S.C. Code Ann. §17-24-40(E) and §17-24-50, the Chief Administrative Judge of this Circuit shall retain jurisdiction over defendant until _____ (maximum sentence calculated from time of NGRI adjudication).

FILING, SERVICE, AND TRANSMITTAL OF THIS ORDER. It is the responsibility of the solicitor to file and serve this order as outlined herein. After being signed by the Court, the original order must be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, **within five (5) business days**, a certified copy of this order must be served upon the examining agency at the

address listed below. To expedite the agency's ability to implement this order and prepare for legal proceedings, the solicitor is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency:

Information for Service of Order on Agency

Department of Mental Health

Forensic Evaluation Service Paralegal
S.C. Department of Mental Health
CBHS Forensic Center
7901 Farrow Road
Columbia, SC 29203-3220
(803)935-5540 (Phone)
(803)935-5544 (Fax)
Email: FES-PARALEGAL@SCDMH.ORG

IT IS SO ORDERED.

Presiding Judge
Judicial Circuit

Date: _____

Solicitor's name: _____

Defense Counsel: _____

Telephone: _____

Telephone: _____

Email: _____

Email: _____