

**SENATE . . . . . No. 1241**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John J. Cronin***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to strengthen emergency restraint for persons suffering dangerous or violent mental illness.

PETITION OF:

NAME:

*John J. Cronin*

DISTRICT/ADDRESS:

*Worcester and Middlesex*

**SENATE . . . . . No. 1241**

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By Mr. Cronin, a petition (accompanied by bill, Senate, No. 1241) of John J. Cronin for legislation to strengthen emergency restraint for persons suffering dangerous or violent mental illness. Mental Health, Substance Use and Recovery.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1269 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act to strengthen emergency restraint for persons suffering dangerous or violent mental illness.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 12 of Chapter 123 of the General Laws, as appearing in the 2016 official edition,  
2 is hereby amended by:-

3           Adding paragraph (a)(1): “A person who is violent, homicidal, or poses a risk of serious  
4 physical harm to another may be hospitalized pursuant to this section for a period up to seventy-  
5 two hours. Such hospitalization may be based on a statement from a person who has been placed  
6 in reasonable fear of violent behavior and risk of serious physical harm to themselves from the  
7 person to be hospitalized.” A person admitted pursuant to this subsection shall be entitled to  
8 appointment of counsel and to request an emergency hearing as provided in paragraph (b) of this  
9 section.”

10           In paragraph (d), adding the sentence “A person who has been hospitalized pursuant to  
11 paragraph (a)(1) of this section based on violent or homicidal tendency or risk of serious physical  
12 harm to another may be released only after three days. After release, such person shall be subject  
13 to seven days of supervision, either in person or by video conference, by a licensed independent  
14 clinical social worker, or by a mental health worker affiliated with a police department.

15           Adding paragraph (f): “Any hospital or other facility that admits a person pursuant to this  
16 section shall be required to provide, on request, medical information including treatment history  
17 and medications prescribed to a social worker with supervisory authority over such person.”

18           Adding paragraph (g): “If, in the opinion of a social worker or other mental health worker  
19 who has supervision over a person committed and then released under this section, that person is  
20 relapsing into mental illness such that he or she again presents a danger of serious harm, or is  
21 otherwise not compliant with treatment or supervision, that social worker or mental health  
22 worker shall have authority to petition for expedited readmission to the facility from which the  
23 person was released. Such petition shall not require initiating a new proceeding under this  
24 section.