

SENATE No. 1269

The Commonwealth of Massachusetts

PRESENTED BY:

John 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:	DISTRICT/ADDRESS:	
<i>John Cronin</i>	<i>Worcester and Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>

SENATE No. 1269

By Mr. Cronin, a petition (accompanied by bill, Senate, No. 1269) of John Cronin and Kay Khan for legislation to strengthen emergency restraint for persons suffering dangerous or violent mental illness. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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
13 subject to seven days of supervision, either in person or by video conference, by a licensed
14 independent clinical social worker, or by a mental health worker affiliated with a police
15 department.

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

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