SENATE DOCKET, NO. 1233 FILED ON: 1/18/2013

SENATE . . . . . No. 905

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 requiring victims to be notified of certain hearings concerning the custodial status of individuals adjudged not guilty of a crime by reason of mental illness or after being found not competent to stand trial.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	*First Middlesex and Norfolk*

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SENATE . . . . . No. 905

By Ms. Creem, a petition (accompanied by bill, Senate, No. 905) of Cynthia S. Creem for legislation to require victims to be notified of certain hearings concerning the custodial status of individuals adjudged not guilty of a crime by reason of mental illness or after being found not competent to stand trial. Mental Health and Substance Abuse.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *980* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act requiring victims to be notified of certain hearings concerning the custodial status of individuals adjudged not guilty of a crime by reason of mental illness or after being found not competent to stand trial.

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

SECTION 1. Section 9 of chapter 123 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended in paragraph (b) by striking in lines 11-12 the words "giving the names of all persons " and inserting in place thereof the following:-

"giving the names of the District Attorney for the District in which the person was adjudicated not guilty or not delinquent by reason of mental illness or found not competent to stand trial and all other persons"

SECTION 2. Section 9 of said chapter 123 is hereby further amended by adding after the words "considers proper" in line 16 the following:-

"and if the person was retained to a facility or the Bridgewater state hospital after being adjudged not guilty of a crime by reason of mental illness or after being found not competent to stand trial, the justice also shall order notice of the time and place for hearing to be given to the District Attorney for the District wherein the person was adjudged not guilty by reason of mental illness or found not competent to stand trial and shall order the superintendent or medical

14 director to provide notice of the time and place for hearing to all persons who are victims as
15 defined by section one of chapter two hundred fifty-eight B”

16 SECTION 3. Section 16 of said chapter 123 is hereby amended by adding after
17 paragraph (f) the following:-

18 (g) The victims and victims’ family members as defined in section one of chapter two
19 hundred and fifty eight B shall be notified of any hearing conducted for such a person under the
20 provisions of this section or any subsequent hearing for such person conducted under the
21 provisions of this chapter relative to the commitment of the mentally ill.

22 SECTION 4. Section 3 of chapter 258B of the General Laws, as appearing in the 2008
23 Official Edition, is hereby amended by adding after paragraph (v) the following:-

24 (w) for victims, to be informed in advance by the commitment facility whenever a
25 person who has been adjudged not guilty by reason of mental illness or who has been found
26 incompetent to stand trial receives a temporary, provisional or final release from the commitment
27 facility, whenever such person is moved from a secured facility to a less secure facility. The
28 victims shall be notified whenever such person escapes from the commitment facility. The
29 victims shall be notified by the commitment facility of any hearing to be conducted under the
30 provisions of chapter one hundred twenty-three in accordance with subsection (g) of section
31 sixteen of chapter one hundred twenty-three relative to the commitment of the mentally ill.