

**SENATE . . . . . No. 905**

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**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:

*Cynthia S. Creem*

DISTRICT/ADDRESS:

*First Middlesex and Norfolk*

**SENATE . . . . . No. 905**

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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.

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

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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:*

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

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

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

9 “and if the person was retained to a facility or the Bridgewater state hospital after being  
10 adjudged not guilty of a crime by reason of mental illness or after being found not competent to  
11 stand trial, the justice also shall order notice of the time and place for hearing to be given to the  
12 District Attorney for the District wherein the person was adjudged not guilty by reason of mental  
13 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.