

SENATE No. 1091

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 establishing a restoration center in Middlesex County.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-----------------------------|--|------------------|
| <i>Kenneth J. Donnelly</i> | <i>Fourth Middlesex</i> | |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/26/2017</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> | <i>1/27/2017</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> | <i>1/27/2017</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/30/2017</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/31/2017</i> |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> | <i>1/31/2017</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>2/2/2017</i> |
| <i>Linda Dean Campbell</i> | <i>15th Essex</i> | <i>2/3/2017</i> |
| <i>Jay R. Kaufman</i> | <i>15th Middlesex</i> | <i>2/3/2017</i> |
| <i>Jack Lewis</i> | <i>7th Middlesex</i> | <i>2/3/2017</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>2/3/2017</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | <i>2/3/2017</i> |

SENATE No. 1091

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1091) of Kenneth J. Donnelly, Jason M. Lewis, Kenneth I. Gordon, Barbara A. L'Italien and other members of the General Court for legislation to establish a restoration center in Middlesex County. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a restoration center in Middlesex County.

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. There shall be a restoration center commission, hereinafter referred to as the
2 commission, within Middlesex County to plan and implement a county restoration center and
3 program for the purposes of diverting persons suffering from mental illness or substance use
4 disorder who interact with law enforcement or the court system during a pre-arrest investigation
5 or the pre-adjudication process from lock-up facilities and hospital emergency departments to
6 appropriate treatment.

7 The commission shall consist of 15 members: the Middlesex County sheriff, or a
8 designee; the Middlesex district attorney, or a designee; a member of the National Alliance for
9 Mental Illness Massachusetts; 2 representatives, appointed by the Middlesex County Chiefs
10 Association, from police departments within Middlesex County that have received critical
11 incident training or have established a local jail diversion program; a member of the senate
12 appointed by the senate president; a member of the house of representatives appointed by the

13 speaker of the house; a representative from the department of mental health with knowledge of
14 sequential intercept mapping and forensic services; a representative from the department of
15 public health with knowledge of sequential intercept mapping and forensic services; a
16 representative from a local community provider that delivers behavioral health services; a
17 representative from the trial courts with specialty court experience; a representative from the
18 executive office of public safety and security; a representative from MassHealth with knowledge
19 of insurance vehicles, including Medicaid; a representative from the office of the commissioner
20 of probation within Middlesex County; a representative from the parole board with knowledge of
21 establishing methodologies and analyzing metrics for program fidelity; and a representative from
22 the committee for public counsel services. The commission shall hold its first meeting no later
23 than 30 days after the effective date of this act.

24 The commission shall develop and implement a 3-year plan to build a restoration center
25 in Middlesex County. In the first year, the commission shall: (1) perform an examination of
26 national best practices including, but not limited to, the Bexar County model, which has received
27 national recognition from the Substance Abuse and Mental Health Services Administration for
28 its success in diverting individuals with behavioral health issues away from the criminal justice
29 system and into appropriate treatment; and (2) review the current capacity of the county to
30 provide behavioral health services to individuals suffering from mental illness or substance use
31 disorder who interact with law enforcement or the court system and the barriers they face to
32 accessing treatment. In the second year, the commission shall develop a jail diversion program
33 and an initial pilot focused on providing integrated community-based services from a centralized
34 location and perform an analysis of potential costs and cost savings. In the third year, the
35 commission shall develop a restoration center and secure funding for a subsequent 2-year period.

36 Within 1 year the commission shall submit its findings and recommendations for a
37 restoration center, together with drafts of legislation necessary to carry out those
38 recommendations, including a report on the current capacity to provide behavioral health
39 services to individuals suffering from mental illness or substance use disorder, which shall
40 include, but shall not be limited to, the type of services pre- and post-release, location of
41 services, type of patients served, and barriers to diverting individuals away from the criminal
42 justice system and into treatment. Within 2 years the commission shall report on the outcome of
43 the pilot programs and provide a full implementation plan for a restoration center, including but
44 not limited to: deliverables, barriers to implementation, and costs. This report shall be submitted
45 to the house and senate committees on ways and means, the joint committee on mental health
46 and substance abuse, the executive office of public safety and security, the executive office of
47 health and human services and the governor. The commission shall thereafter produce an annual
48 report, which shall include, but not be limited to: list of services and programs, populations
49 served, and financial information.

50 SECTION 2. SECTION 2. Chapter 29 of the General Laws is hereby amended by
51 inserting after section 2VVVV the following section:-

52 Section 2WWWW. Criminal Justice and Community Support Trust Fund.

53 (a) There is hereby established and set up on the books of the commonwealth a separate
54 fund to be known as the Criminal Justice and Community Support Trust Fund, hereinafter called
55 the fund. The fund shall be administered by the executive office of public safety and security, in
56 consultation with the department of mental health, which shall contract with county restoration
57 centers and the center of excellence in community policing and behavioral health, established in

58 section 18L1/2 of chapter 6A, to administer the fund. There shall be credited to the fund any
59 appropriations, grants, gifts or other monies authorized by the general court or other parties and
60 specifically designated to be credited to the fund. The objectives of the fund shall include, but
61 shall not be limited to: supporting jail diversion programs for persons suffering from a mental
62 illness or substance use disorder who interact with law enforcement or the court system during a
63 pre-arrest investigation or the pre-adjudication process in order to divert individuals from lockup
64 facilities and hospital emergency departments to appropriate treatment; developing and providing
65 training for state and municipal law enforcement in evidence-based mental health and substance
66 use crisis response; creating patient-focused ongoing community services for individuals who are
67 frequent users of emergency departments and suffer from serious and persistent mental illness;
68 and providing funding for multi-year restoration center grants for the purpose of planning and
69 implementing a restoration center within a county in the commonwealth.

70 (b) Monies deposited in the fund that are unexpended at the end of the fiscal year shall
71 not revert to the General Fund and shall be available for expenditure in the subsequent year.

72 (c) The fund may apply for and accept subventions, grants, loans, advances and
73 contributions from any source of money, property, labor or other things of value to be held, used
74 and applied in furtherance of this section.

75 (d) The executive office of public safety and security shall, on or before March 1, file a
76 report to the joint committee on mental health and substance abuse, the joint committee on public
77 safety and homeland security, and the senate and house committees on ways and means detailing
78 the fund's activities.

79 SECTION 3. This act shall take effect upon its passage.