

SENATE No. 1136

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone 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 Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 1136

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1136) of Cynthia Stone 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, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1083 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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 2016
2 Official Edition, is hereby amended in paragraph (b) by striking in line 12 the words “giving the
3 names of all persons” and inserting in place thereof the following:- “giving the names of the
4 District Attorney for the District in which the person was adjudicated not guilty or not delinquent
5 by reason of mental illness or found not competent to stand trial and all other persons”

6 SECTION 2. Section 9 of said chapter 123 is hereby further amended by adding after the
7 words “considers proper” in line 16 the following:- “and if the person was retained to a facility
8 or the Bridgewater State Hospital after being adjudged not guilty of a crime by reason of mental

9 illness or after being found not competent to stand trial, the justice also shall order notice of the
10 time and place for hearing to be given to the District Attorney for the District wherein the person
11 was adjudged not guilty by reason of mental illness or found not competent to stand trial and
12 shall order the superintendent or medical director to provide notice of the time and place for
13 hearing to all persons who are victims as defined by section one of chapter two hundred fifty-
14 eight B”

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

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

21 SECTION 4. Section 3 of chapter 258B of the General Laws, as appearing in the 2016
22 Official Edition, is hereby amended by adding after paragraph (w) the following:-

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