

HOUSE No. 2090

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 special commission to study and report on the history of state institutions for people with developmental and mental health disabilities in the Commonwealth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|--|------------------|
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/19/2021</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>3/12/2021</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>3/17/2021</i> |
| <i>Gerard J. Cassidy</i> | <i>9th Plymouth</i> | <i>3/22/2021</i> |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> | <i>3/23/2021</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>4/1/2021</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>4/1/2021</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>4/1/2021</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>4/1/2021</i> |
| <i>Kip A. Diggs</i> | <i>2nd Barnstable</i> | <i>4/6/2021</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>4/6/2021</i> |
| <i>Jacob R. Oliveira</i> | <i>7th Hampden</i> | <i>4/6/2021</i> |
| <i>Michelle L. Ciccolo</i> | <i>15th Middlesex</i> | <i>4/6/2021</i> |
| <i>Steven C. Owens</i> | <i>29th Middlesex</i> | <i>4/13/2021</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> | <i>4/13/2021</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | <i>4/16/2021</i> |

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|----------------------------|------------------------|------------------|
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>4/22/2021</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> | <i>4/22/2021</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>4/26/2021</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> | <i>5/11/2021</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>5/11/2021</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>6/8/2021</i> |
| <i>Michael J. Finn</i> | <i>6th Hampden</i> | <i>6/8/2021</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | <i>6/17/2021</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>7/26/2021</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>8/5/2021</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>9/24/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/3/2022</i> |

HOUSE No. 2090

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 2090) of Sean Garballey and others relative to establishing a special commission to study and report on the history of state institutions for people with developmental and mental health disabilities in the Commonwealth. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

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

An Act establishing a special commission to study and report on the history of state institutions for people with developmental and mental health disabilities in the Commonwealth.

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 is hereby established a special commission to study and report on the
2 history of state institutions for people with developmental and mental health disabilities in the
3 Commonwealth. The commission shall be independent of supervision or control by any
4 executive agency and shall provide objective perspectives on the matters before it.

5 In fulfillment of its responsibility the commission shall (1) review existing records in the
6 possession of the commonwealth from, and related to, the network of state institutions for people
7 with developmental disabilities and mental health issues; (2) examine the current availability of,
8 and barriers to, accessing those records for former residents, their descendants, relatives, and the
9 general public; (3) assess the quality of life of former residents now living in the community; (4)
10 assess and compile records of burial locations for all residents who died while in the care of the
11 commonwealth, (5) determine the likelihood and possible location of unmarked graves at former

12 state institutions (6) present a human rights framework for public recognition of the
13 commonwealth's guardianship of citizens with disabilities throughout history, including
14 recommendations for memorialization and public education; (7) collect testimonials from former
15 residents of state institutions as part of a human rights report (8) and submit its findings and
16 recommendations to the secretary of the commonwealth, the clerks of the senate and the house of
17 representatives, the chairs of the joint committee on children families and persons with
18 disabilities not later than January 1, 2023. The secretary shall make the report publicly available.

19 Section 2. The commission shall consist of 18 members, 1 of whom shall be a designee of
20 the department of health and human services; 1 of whom shall be a designee of the department of
21 developmental services; 1 of whom shall be a designee of the department of mental health; 1 of
22 whom shall be a designee of the secretary of the commonwealth archives; 1 of whom shall be a
23 designee of the secretary of the commonwealth office of the state archaeologist; 2 of whom shall
24 be the chairs of joint committee on persons with disabilities or their designee; 1 of whom shall be
25 a representative of the disabled persons protection commission; 1 of whom shall be a
26 representative of the centers for independent living in Massachusetts; 1 of whom shall be a
27 former resident of a state institution for people with mental illness appointed by the governor; 1
28 of whom shall be a former resident of a state institution for people with cognitive and
29 developmental disabilities appointed by the governor; 1 of whom shall be designee of the Arc of
30 Massachusetts; 1 of whom shall be a designee of the Disability Law Center; 1 of whom shall be a
31 designee of Mass Advocates Standing Strong; 1 of whom shall be a designee of Mass Advocates
32 Organizing for Change. 1 of whom shall be a community member designated by the governor; 1
33 of whom shall be a community member designated by the senate president; and 1 of whom shall
34 be a community member designated by speaker of the house of representatives. A majority of the

35 members of the commission must identify as persons with disabilities. In making appointments,
36 the chairperson shall, to the maximum extent feasible, ensure that the commission represents a
37 broad distribution of perspectives and geographic regions.