

HOUSE No. 4961

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 30, 2022.

The committee on Mental Health, Substance Use and Recovery to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4961) ought to pass.

For the committee,

ADRIAN C. MADARO.

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

6 In fulfillment of its responsibility, the commission shall: (1) review existing records in
7 the possession of the commonwealth from, and related to, the network of state institutions for
8 people with intellectual and developmental disabilities and mental health conditions; (2) examine
9 the current availability of, and barriers to, accessing those records for former residents, their
10 descendants and, relatives, and the general public; (3) assess the quality of life of former
11 residents of state institutions now living in the community; (4) assess the quality of life of
12 residents currently living in state institutions, including the Wrentham Developmental Center and
13 the Hogan Regional Center; (5) assess and compile records of burial locations for all residents

14 who died while in the care of the commonwealth institutions for people with intellectual,
15 developmental and mental health disabilities; (6) determine the likelihood and possible location
16 of unmarked graves at former state institutional sites; (7) present a human rights framework for
17 public recognition of the commonwealth's guardianship of citizens with disabilities throughout
18 history, including recommendations for memorialization and public education; (8) collect
19 testimonials from current and former residents of state institutions, including the Wrentham
20 Developmental Center and the Hogan Regional Center, as part of a human rights report; and (9)
21 submit its findings and recommendations to the secretary of the commonwealth, the clerks of the
22 senate and the house of representatives and, the chairs of the joint committee on children,
23 families and persons with disabilities and the joint committee on mental health, substance use
24 and recovery not later than January 1, 2025. The secretary shall make the report publicly
25 available.

26 The commission shall consist of the following 18 members: 2 persons who shall serve as
27 chairs appointed by the speaker of the house and the senate president, 1 of whom identifies as a
28 person with an intellectual or developmental disability and 1 of whom identifies as a person with
29 a mental health condition, a designee of the executive office of health and human services; a
30 designee of the department of developmental services; a designee of the department of mental
31 health; a designee of the secretary of the commonwealth archives; a designee of the secretary of
32 the commonwealth office of the state archaeologist; the chairs of joint committee on children,
33 families and persons with disabilities or their designee; a representative of the disabled persons
34 protection commission; a representative of the centers for independent living in Massachusetts; a
35 former resident of a state institution for people with mental illness appointed by the governor; a
36 former resident of a state institution for people with intellectual, cognitive and developmental

37 disabilities appointed by the governor; a designee of the Arc of Massachusetts; a designee of the
38 Disability Law Center; a designee of Mass Advocates Standing Strong; a designee of Mass
39 Families; a designee of COFAR; a MASS-affiliated current resident at Hogan Regional Center or
40 Wrentham Developmental Center; a family member of a current Hogan Regional Center
41 resident; a family member of a current Wrentham Developmental Center resident; a former state
42 employee who worked at a state institutional facility between 1970 and 2014; a self-advocate
43 member of a mental health peer recovery group; and a member of the Massachusetts Association
44 for Mental Health. A majority of the members of the commission must identify as persons with
45 disabilities. In making appointments, the chairpersons and aforementioned appointing authorities
46 shall, to the maximum extent feasible, ensure that the commission represents a broad distribution
47 of perspectives and geographic regions.

48 SECTION 3. The commission may request from all state agencies such information and
49 assistance as the commission may require. Each state agency shall cooperate with requests from
50 the commission and shall provide such information and assistance requested, as permitted under
51 the state law, making reasonable accommodations for existing privacy protections at each
52 agency.