HOUSE DOCKET, NO. 1809 FILED ON: 1/18/2023

HOUSE . . . . . No. 1993

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 to strengthen emergency restraint for persons suffering dangerous or violent mental illness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kay Khan	*11th Middlesex*	*1/18/2023*
Bud L. Williams	*11th Hampden*	*1/27/2023*
Samantha Montaño	*15th Suffolk*	*2/13/2023*
Carol A. Doherty	*3rd Bristol*	*2/20/2023*

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HOUSE . . . . . No. 1993

By Representative Khan of Newton, a petition (accompanied by bill, House, No. 1993) of Kay Khan and others for legislation to allow for emergency hospitalization of persons suffering dangerous or violent mental illness. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2107* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to strengthen emergency restraint for persons suffering dangerous or violent mental illness.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 12 of Chapter 123 of the General Laws, as appearing in the 2020 official edition, is hereby amended by inserting after the first paragraph the following paragraph:-

(a)(1) A person who is violent, homicidal, or poses a risk of serious physical harm to another may be hospitalized pursuant to this section for a period up to seventy-two hours. Such hospitalization may be based on a statement from a person who has been placed in reasonable fear of violent behavior and risk of serious physical harm to themselves from the person to be hospitalized. A person admitted pursuant to this subsection shall be entitled to appointment of counsel and to request an emergency hearing as provided in paragraph (b) of this section.

SECTION 2. Section 12 of Chapter 123 of the General Laws, as so appearing, is hereby amended in paragraph (d) by inserting after the word “status” the following words:-

A person who has been hospitalized pursuant to paragraph (a)(1) of this section based on violent or homicidal tendency or risk of serious physical harm to another may be released only after three days. After release, such person shall be subject to seven days of supervision, either in person or by video conference, by a licensed independent clinical social worker or by a mental health worker affiliated with a police department.

SECTION 3. Section 12 of said chapter 123, as so appearing, is hereby amended by inserting after paragraph (e) the following paragraphs:-

(f) Any hospital or other facility that admits a person pursuant to this section shall be required to provide, on request, medical information including treatment history and medications prescribed to a social worker with supervisory authority over such person.

(g) If, in the opinion of a social worker or other mental health worker who has supervision over a person committed and then released under this section, that person is relapsing into mental illness such that he or she again presents a danger of serious harm, or is otherwise not compliant with treatment or supervision, that social worker or mental health worker shall have authority to petition for expedited readmission to the facility from which the person was released. Such petition shall not require initiating a new proceeding under this section.