

**SENATE . . . . . No. 1411**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Paul W. Mark*

*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 review hospitalization and emergency restraints in involuntary commitment.

PETITION OF:

NAME:

*Paul W. Mark*

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and  
Hampshire*

**SENATE . . . . . No. 1411**

By Mr. Mark, a petition (accompanied by bill, Senate, No. 1411) of Paul W. Mark for legislation to review hospitalization and emergency restraints in involuntary commitment. Public Health.

**The Commonwealth of Massachusetts**

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

An Act to review hospitalization and emergency restraints in involuntary commitment.

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

1 Chapter 123 of the General Laws is hereby amended by inserting after section 12 the  
2 following section:-

3 SECTION 12A

4 (a)The department of Health and Human Services shall be tasked with creating a “Section  
5 12 Involuntary Commitment Commission” (referred to hereafter as “the commission”) to review  
6 the current language of Chapter 123 section 12 and its requisite sub-parts and the recent legal and  
7 medical standards for hospitalization and emergency restraints in involuntary commitment.

8 (b) The commission shall be comprised of eighteen members and shall consist of: the  
9 secretary of health and human services or a designee, who shall serve as chair; the house and  
10 senate chairs of the joint committee on mental health, substance use, and recovery or their  
11 designees; the house and senate chairs of the joint committee on judiciary or their designees; the  
12 minority leader of the house or a designee; the minority leader of the senate or a designee; the

13 chief justice of the trial court or a designee; the commissioner of the department of mental health  
14 or a designee. One representative from each of the following organizations: Massachusetts  
15 Chiefs of Police Association; The Committee for Public Counsel Services; Massachusetts Health  
16 & Hospital Association, Inc.; Massachusetts Medical Society; Massachusetts Psychiatric Society,  
17 Inc.; Massachusetts College of Emergency Physicians, Inc.; and Massachusetts Association of  
18 Behavioral Health Systems, Inc.; National Alliance on Mental Illness Massachusetts;  
19 Massachusetts Association for Mental Illness ; Massachusetts Ambulance Association.

20 (c) The Commission shall evaluate the way current policy guidance and policy have  
21 changed the historical procedures. including but not limited to the way the 988 suicide and  
22 prevention hotline (referred to hereafter as “the-988”) has changed the section 12 process and  
23 offer recommendations for how the efforts around the-988 and changes to the involuntary  
24 commitment process may better align to reduce the unnecessary use of section 12 methods.

25 (d) The commission shall file recommendations, including any proposed legislation, with  
26 the clerks of the house of representatives and the senate not later than one year after its first  
27 meeting.