

SENATE No.

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 relative to a humane response to a mental health crisis.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to a humane response to a mental health crisis.

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 12 of Chapter 123 of the General Laws as appearing in the 2022
2 Official Edition is hereby amended by striking the following paragraph (e):-

3 (e) Any person may make an application to a district court justice or a justice of the
4 juvenile court department for a 3-day commitment to a facility of a person with a mental illness
5 if the failure to confine said person would cause a likelihood of serious harm. The court shall
6 appoint counsel to represent said person. After hearing such evidence as the court may consider
7 sufficient, a district court justice or a justice of the juvenile court department may issue a warrant
8 for the apprehension and appearance before the court of the alleged person with a mental illness
9 if in the court's judgment the condition or conduct of such person makes such action necessary or
10 proper. Following apprehension, the court shall have the person examined by a physician or a
11 qualified advanced practice registered nurse designated to have the authority to admit to a facility
12 or examined by a qualified psychologist in accordance with the regulations of the department. If
13 the physician, qualified advanced practice registered nurse or qualified psychologist reports that

14 the failure to hospitalize the person would create a likelihood of serious harm by reason of
15 mental illness, the court may order the person committed to a facility for a period not to exceed 3
16 days; provided, however, that the superintendent may discharge said person at any time within
17 the 3-day period. The periods of time prescribed or allowed under this section shall be computed
18 pursuant to Rule 6 of the Massachusetts Rules of Civil Procedure.