

**SENATE . . . . . No. 586**

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**The Commonwealth of Massachusetts**

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SENATE, April 13, 1959.

The committee on Legal Affairs, to whom was referred so much of the thirty-fourth annual report of the Judicial Council (Pub. Doc. No. 144) as relates to mental examination of persons appearing before the courts and to adjudication of restoration of soundness of mind (pages 56-58), report the accompanying Bill (Senate, No. 586).

For the committee,

**CHARLES V. HOGAN.**

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Nine.

### AN ACT RELATIVE TO MENTAL EXAMINATION OF CERTAIN PERSONS APPEARING BEFORE THE COURTS.

*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 99 of chapter 123 of the General Laws is hereby  
2 amended by adding at the end the following six paragraphs: —  
3 If any such person is a party to any case, matter or proceed-  
4 ing then pending in said court, said judge may, after hearing  
5 such evidence as he considers sufficient, order him to be de-  
6 tained or, if such person has left the court, may issue a war-  
7 rant to apprehend and detain such person and to bring him  
8 before the court for such examination.

9 Upon such detention or apprehension, and pending further  
10 examination and hearing as herein provided, the court may  
11 make such order relative to the care, custody or confinement  
12 of such person as it sees fit, including the designation of a  
13 state hospital wherein such person shall be examined as pro-  
14 vided in this section.

15 Upon completion of his examination and of such tests as he  
16 deems necessary, the member of the medical staff of a state  
17 hospital assigned by the department to make such examination  
18 shall report his findings to said judge.

19 If the examining physician reports that, in his opinion, such  
20 person is not mentally ill, such person shall be discharged,  
21 unless an application for his commitment has been received as  
22 provided in section fifty-one.

23 If the examiner reports that in his opinion such person is  
24 mentally ill, and if, further, there is filed with the court a cer-  
25 tificate or certificates in accordance with the provisions of

26 section fifty-one, certifying to the mental illness of such person  
27 by two properly qualified physicians, the judge, whether or  
28 not designated in section fifty, may then cause notice to be  
29 issued to such person and may hold a hearing or may refer the  
30 matter to another judge qualified to act designated by him.  
31 After such hearing the judge may order such person com-  
32 mitted to an institution for the mentally ill, in accordance with  
33 the provisions of section fifty-one. Commitment proceedings  
34 shall thereupon continue as provided in sections fifty to fifty-  
35 five, inclusive, and all othe sections of this chapter relative to  
36 commitments of mentally ill persons.

37 Nothing in this section shall be construed to prevent the  
38 institution and prosecution of a separate proceeding under  
39 sections fifty-one to fifty-five, inclusive. If such a separate  
40 proceeding is instituted the proceeding under this section shall  
41 be dismissed.

The first part of the book is devoted to a general history of the country, and is divided into three parts, the first of which is a description of the country, the second a description of the people, and the third a description of the government. The second part of the book is devoted to a history of the country from the time of the discovery of the continent to the present time, and is divided into three parts, the first of which is a description of the country, the second a description of the people, and the third a description of the government. The third part of the book is devoted to a history of the country from the time of the discovery of the continent to the present time, and is divided into three parts, the first of which is a description of the country, the second a description of the people, and the third a description of the government.