

# HOUSE . . . . No. 59

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Accompanying the third recommendation of the Department of Mental Health (House, No. 56). Public Welfare.

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## The Commonwealth of Massachusetts

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In the Year One Thousand;Nine Hundred and Forty-Six.

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AN ACT PROVIDING THAT VETERANS PAROLED OR DISCHARGED FROM VETERANS ADMINISTRATION FACILITIES WITHIN THE COMMONWEALTH UNDER THE SUPERVISION OF THE DEPARTMENT OF MENTAL HEALTH, SHALL BE RELEASED IN ACCORDANCE WITH CERTAIN PROVISIONS OF LAW.

*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 twenty A of chapter one hundred and  
2 twenty-three of the General Laws, inserted by chapter  
3 three hundred and eleven of the acts of nineteen  
4 hundred and forty-five, is hereby amended by insert-  
5 ing after the word "transfer" in the thirty-first  
6 line the words: — to other Veterans Administration  
7 Facilities or other agencies of the United States  
8 government, — by adding after the word "dis-  
9 charge" in said thirty-first line the words: — excep-  
10 that with respect to release of patients subject to the  
11 provisions of section ninety the provisions of said

12 section ninety shall be observed, — and by inserting  
13 at the end of paragraph (2) the words: — but no such  
14 patient shall be paroled or discharged within the  
15 commonwealth except in accordance with sections  
16 eighty-eight, eighty-nine and ninety, — so as to read  
17 as follows: — *Section 20A.* (1) Whenever, in any  
18 proceeding under the laws of this commonwealth  
19 for the commitment of a person alleged to be of un-  
20 sound mind or otherwise in need of confinement in a  
21 hospital or other institution for his proper care, it is  
22 determined after such adjudication of the status of  
23 such person as may be required by law that commit-  
24 ment to a hospital for mental disease or other institu-  
25 tion is necessary for safekeeping or treatment and it  
26 appears that such person is eligible for care or treat-  
27 ment by said Veterans Administration or other agency  
28 of the United States government, the court, upon  
29 receipt of a certificate from said Veterans Administra-  
30 tion or such other agency showing that facilities are  
31 available and that such person is eligible for care or  
32 treatment therein, may commit such person to said  
33 Veterans Administration or other agency. The person  
34 whose commitment is sought shall be personally served  
35 with such notice of the pending commitment proceed-  
36 ings as is required, and in such manner as is provided,  
37 by the laws of this commonwealth; and nothing in  
38 this section shall affect his right to appear and be  
39 heard in the proceedings. Upon commitment, such  
40 person, when admitted to any facility operated by  
41 any such agency within or without this commonwealth  
42 shall be subject to the rules and regulations of said  
43 Veterans Administration or other agency in so far  
44 as they are not inconsistent with the rules of the  
45 department. The chief officer of any facility of said

46 Veterans Administration or institution operated by  
47 any other agency of the United States to which the  
48 person is so committed shall with respect to such  
49 person be vested with the same powers and duties as  
50 the department with respect to retention of custody,  
51 transfer to other Veterans Administration Facilities  
52 or other agencies of the United States government,  
53 parole or discharge, except that with respect to release  
54 of patients subject to the provisions of section ninety  
55 the provisions of said section ninety shall be observed.  
56 Jurisdiction is retained in the committing or other  
57 appropriate court of this commonwealth at any time  
58 to inquire into the mental condition of the person so  
59 committed, and to determine the necessity for con-  
60 tinuance of his restraint, and all commitments  
61 pursuant to this section are so conditioned.

62 (2) The judgment or order of commitment by a  
63 court of competent jurisdiction of another state or of  
64 the District of Columbia, committing a person to said  
65 Veterans Administration or other agency of the United  
66 States government for care or treatment shall have the  
67 same force and effect as to the committed person while  
68 in this commonwealth as in the jurisdiction in which is  
69 situated the court entering the judgment or making  
70 the order; and the courts of the committing state, or of  
71 the District of Columbia, shall be deemed to have  
72 retained jurisdiction of the person so committed for the  
73 purpose of inquiring into the mental condition of such  
74 person, and of determining the necessity for continu-  
75 ance of his restraint as is provided in subsection (1) of  
76 this section with respect to persons committed by the  
77 courts of this commonwealth. Consent is hereby given  
78 to the application of the law of the committing state or  
79 district in respect to the authority of the chief officer

80 of any facility of said Veterans Administration or of  
81 any institution operated in this commonwealth by  
82 any other agency of the United States to retain cus-  
83 tody of, or transfer, parole or discharge, the com-  
84 mitted person, but no such patient shall be paroled  
85 or discharged within the commonwealth except in ac-  
86 cordance with sections eighty-eight, eighty-nine and  
87 ninety.

88 (3) Except as provided in section twenty-one, upon  
89 receipt of a certificate of said Veterans Administration  
90 or such other agency of the United States that facili-  
91 ties are available for the care or treatment of any per-  
92 son committed prior to the effective date of this sec-  
93 tion to any hospital for the insane or other institution  
94 for the care or treatment of persons similarly afflicted  
95 and that such person is eligible for care or treatment,  
96 the department or the committing court may cause  
97 the transfer of such person to said Veterans Admin-  
98 istration or other agency of the United States for care  
99 or treatment. Upon effecting any such transfer, the  
100 committing court or proper officer thereof shall be  
101 notified thereof by the transferring agency. No per-  
102 son shall be transferred to said Veterans Administra-  
103 tion or other agency of the United States if he is con-  
104 fined pursuant to conviction of any felony or misde-  
105 meanor or if he has been acquitted of the charge  
106 solely on the ground of insanity, unless prior to trans-  
107 fer the court or other authority originally committing  
108 such person shall enter an order for such transfer  
109 after appropriate motion and hearing. Any person  
110 transferred as provided in this subsection shall be  
111 deemed to be committed to said Veterans Adminis-  
112 tration or other agency of the United States pur-  
113 suant to the original commitment.