

SENATE No. 543

The Commonwealth of Massachusetts

SENATE, January 24, 1951.

The committee on Public Welfare, to whom was referred so much of the recommendations of the Commissioner of Correction (House, No. 36) as relates to authorizing the Governor to respite the execution of sentences of convicts under sentence of death and to order their examination and removal to the Bridgewater State Hospital (accompanied by bill, House, No. 47), report the accompanying bill (Senate, No. 543).

For the committee,

LESLIE B. CUTLER.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE GOVERNOR TO RESPITE THE EXECUTION OF SENTENCES OF CERTAIN CONVICTS UNDER SENTENCE OF DEATH AND TO ORDER THEIR EXAMINATION AND REMOVAL TO THE BRIDGEWATER STATE HOSPITAL.

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 279 of the General Laws is hereby amended
2 by striking out section 48, as appearing in the Ter-
3 centenary Edition, and inserting in place thereof the
4 following section: —

5 *Section 48.* If it appears to the satisfaction of the
6 governor and council, after examination by two psy-
7 chiatrists designated by the commissioner of mental
8 health, that a convict under sentence of death has
9 become insane, the governor, with the advice and
10 consent of the council, may, from time to time for
11 stated periods, respite the execution of said sentence
12 until it appears to their satisfaction that the convict
13 is no longer insane. Upon such respite, the governor
14 may order the removal of such convict to the Bridge-
15 water state hospital for care and treatment. Ten
16 days prior to the termination date of said respite the
17 medical director of said hospital shall have the said
18 convict examined by two psychiatrists designated by

19 the commissioner of mental health. If, after said ex-
20 amination, the medical director is of the opinion that
21 the convict is no longer insane, he shall so certify to
22 the warden of the state prison, accompanied by a
23 written statement regarding the mental condition of
24 said convict. The warden shall thereupon cause the
25 convict to be reconveyed to the state prison and to
26 be kept there pursuant to the sentence of the court,
27 and shall notify the governor of the return of said
28 convict, and of his mental condition. If, however, in
29 the opinion of the director of the state hospital, the
30 said convict is still insane, he shall so certify to the
31 governor, accompanied by a written statement re-
32 garding the mental condition of the convict. There-
33 upon, the governor, with the advice and consent of
34 the council, may further respite the execution of the
35 sentence from time to time for a stated period, until
36 it is determined as herein provided that the convict
37 is no longer insane.

38 If it appears to the satisfaction of the governor and
39 council that a female convict under sentence of death
40 is quick with child, the governor, with the advice and
41 consent of the council, shall from time to time respite
42 execution of said sentence for stated periods until it
43 appears to their satisfaction that she is no longer
44 quick with child.

