

**SENATE . . . . . No. 1990**

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**The Commonwealth of Massachusetts**

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SENATE, June 30, 1975.

The committee on Human Services and Elderly Affairs, to whom was referred the petition (accompanied by bill, Senate, No. 729) of Robert E. McCarthy and members of the House of Representatives for legislation to further amend the law relative to commitment of mentally ill and mentally retarded persons; and the petition (accompanied by bill, Senate, No. 736) of John W. Olver and other members of the General Court for legislation to protect the rights of individuals during commitment proceedings for state mental health facilities, reports the accompanying bill (Senate, No. 1990).

For the Committee,

**JACK H. BACKMAN**

5 ing, the district court shall not order the commitment of a  
6 person at a facility or shall not renew such order unless it  
7 finds after a hearing that (1) such person is mentally ill, and  
8 (2) the discharge of such person from a facility would create  
9 a likelihood of serious harm.

10 (b) After a hearing, unless such hearing is waived in writ-  
11 ing, the district court shall not order the commitment of a  
12 person at the Bridgewater State Hospital or shall not renew  
13 such order unless it finds that (1) such person is mentally ill;  
14 (2) such person is not a proper subject for commitment to any  
15 facility of the department; and (3) the failure to retain such  
16 person in strict custody would create a likelihood of serious  
17 harm. If the court is unable to make the findings required by  
18 this paragraph, but makes the findings required by para-  
19 graph (a), the court shall order the commitment of the per-  
20 son to a facility designated by the department.

21 (c) The court shall render its decision on the petition within  
22 ten (10) days of the completion of the hearing, provided, that  
23 for reasons stated in writing by the court, the chief justice of  
24 the district courts may extend said ten (10) day period.

25 (d) The first order of commitment of a person under this  
26 section shall be valid for a period of six (6) months and all  
27 subsequent commitments shall be valid for a period of one  
28 year; provided that if such commitments occur at the expira-  
29 tion of a commitment under any other section of this chap-  
30 ter, other than a commitment for observation, the first order  
31 of commitment shall be valid for a period of one year; and  
32 provided further, that the first order of commitment to the  
33 Bridgewater State Hospital of a person under commitment to  
34 a facility shall be valid for a period of six (6) months. If no  
35 hearing is held before the expiration of the six months com-  
36 mitment, the court may not re-commit the person without a  
37 hearing.

38 (e) In the event that the hearing is waived and on the basis  
39 of a petition filed under the authority of this chapter showing  
40 that a person is mentally ill and that the discharge of the per-  
41 son from a facility would create a likelihood of serious harm,  
42 the district court which has jurisdiction over a facility may  
43 order the commitment of the person to such facility.

44 (f) In the event that the hearing is waived and on the basis  
45 of a petition filed under the authority of this chapter showing  
46 that a person is mentally ill, that the person is not a proper  
47 subject for commitment to any facility of the department and  
48 that the failure to retain said person in strict security would  
49 create a likelihood of serious harm, the district court which  
50 has jurisdiction over a facility, if a person is retained in a  
51 facility, or the Brockton district court, if a person is retained  
52 in the Bridgewater State Hospital, may order the commitment  
53 of the person to said hospital.

1 SECTION 6. Section twelve, paragraph (a), of chapter one  
2 hundred twenty-three of the general laws is hereby amended  
3 by striking out, in the third sentence, the word "believes" and  
4 inserting in place thereof the words "has knowledge of a fact  
5 or facts sufficient to give him probable cause to believe."

1 SECTION 7. Section fifteen of chapter one hundred twenty-  
2 three of the general laws is hereby amended by adding at the  
3 end of paragraph (d) the following sentence:  
4 The hearing shall be conducted in accordance with the pro-  
5 visions of section five.

1 SECTION 8. Section sixteen (b) of chapter one hundred  
2 twenty-three of the general laws is hereby amended by insert-  
3 ing after the second sentence the following new sentence:  
4 A hearing on such petition shall be held under the provisions  
5 of section five.

1 SECTION 9. Section twelve of chapter one hundred and  
2 twenty-three of the general laws is hereby amended by strik-  
3 ing paragraph (c) and inserting in place thereof the follow-  
4 ing: —  
5 (c) The facility shall review every admission under the  
6 provisions of paragraph (b) of this section within twenty-  
7 four hours from the time of such admission. This review shall  
8 be made by two persons designated by the Superintendent or  
9 other head of the facility, at least one of whom shall be a fully  
10 licensed physician and shall be limited to the issue of whether  
11 there existed at the time of admission a likelihood of serious

12 harm by reason of mental illness if the person was not hos-  
13 pitalized. Unless the facility determines that there was a  
14 likelihood of serious harm by reason of mental illness at the  
15 time of admission, it shall immediately release the person.

16 After a review under the provisions of section 12(c), every  
17 person admitted to a facility under the provisions of this sec-  
18 tion or his parent legal guardian in his behalf shall be given an  
19 opportunity to apply for a voluntary admission under the pro-  
20 visions of paragraph (a) of section ten and he, or such parent  
21 or legal guardian, shall be informed (1) that he has a right  
22 to such voluntary admission, and (2) that the period of hos-  
23 pitalization under the provisions of this section cannot exceed  
24 ten days, unless there is a further petition for commitment un-  
25 der sections seven and eight of this chapter. The person shall  
26 be further informed that in the event of such petition for  
27 commitment he may be retained at the facility beyond the  
28 expiration of the ten day period until a disposition is made by  
29 the court. At any time during such period of hospitalization,  
30 the superintendent may discharge such person if he determines  
31 that such person is not in need of care and treatment.

SENATE

NO. 73

THE SENATE  
OF THE STATE OF NEW YORK

January 15, 1907

REPORT  
OF THE

COMMISSIONERS OF THE LAND OFFICE  
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE  
MAY 15, 1896, AND AMENDED MAY 15, 1897, AND  
MAY 15, 1898, AND MAY 15, 1899, AND MAY 15, 1900,  
AND MAY 15, 1901, AND MAY 15, 1902, AND MAY 15, 1903,  
AND MAY 15, 1904, AND MAY 15, 1905, AND MAY 15, 1906,  
AND MAY 15, 1907.

ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS.

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The first part of the report is devoted to a general description of the country and its resources. It is followed by a detailed account of the various industries and occupations of the people. The report then proceeds to a description of the climate and the various diseases which are prevalent in the country. It concludes with a list of the principal towns and cities of the country.

The second part of the report is devoted to a description of the various occupations of the people. It is followed by a detailed account of the various industries and occupations of the people. The report then proceeds to a description of the climate and the various diseases which are prevalent in the country. It concludes with a list of the principal towns and cities of the country.

The third part of the report is devoted to a description of the various occupations of the people. It is followed by a detailed account of the various industries and occupations of the people. The report then proceeds to a description of the climate and the various diseases which are prevalent in the country. It concludes with a list of the principal towns and cities of the country.

The fourth part of the report is devoted to a description of the various occupations of the people. It is followed by a detailed account of the various industries and occupations of the people. The report then proceeds to a description of the climate and the various diseases which are prevalent in the country. It concludes with a list of the principal towns and cities of the country.

The fifth part of the report is devoted to a description of the various occupations of the people. It is followed by a detailed account of the various industries and occupations of the people. The report then proceeds to a description of the climate and the various diseases which are prevalent in the country. It concludes with a list of the principal towns and cities of the country.