

By Mr. Murphy of Peabody, petition of John E. Murphy, Jr., relative to further regulating the commitment of certain persons to facilities for the care and treatment of the mentally ill or mentally retarded. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE COMMITMENT OF CERTAIN PERSONS TO FACILITIES FOR THE CARE AND TREATMENT OF THE MENTALLY ILL OR MENTALLY RETARDED.

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. Sub-paragraph (A) of section 12 of chapter 123 of  
2 the General Laws is hereby amended by striking the third sentence  
3 as appearing in sub-paragraph (A) and inserting in place thereof  
4 the following two sentences: —

5 In an emergency situation, if a physician is not available or is  
6 unwilling, a justice of the trial court, who believes that failure to  
7 hospitalize a person would create a likelihood of serious harm by  
8 reason of mental illness, may order hospitalization for a period not  
9 to exceed ten days at a public facility or a private facility authorized  
10 for such purpose by the department. Under such circumstances, if a  
11 physician or a justice of the trial court is not available, a police  
12 officer may restrain and apply for hospitalization of such person at  
13 the aforementioned facility.

1 SECTION 2. Said section 12 is further amended in  
2 sub-paragraph (E) by striking out the third sentence and inserting  
3 in place thereof the following sentence:

4 Following apprehension, the court shall have the person exam-  
5 ined by a physician designated to have the authority to admit to a  
6 facility in accordance with the regulations of the department and,  
7 in the event such a physician is not available, a justice of the trial  
8 court may commit such person to a facility for a period of not ex-  
9 ceeding three days for the purpose of obtaining such examination.