

# SENATE . . . . No. 222

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To accompany the petition of the Massachusetts Mental Aid Society, Inc., by Lockwood Myrick, president, for legislation relative to the commitment of persons to the custody or supervision of the Department of Mental Health and to the institutions under its jurisdiction or supervision. Legal Affairs.

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## The Commonwealth of Massachusetts

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

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AN ACT RELATIVE TO THE COMMITMENT OF PERSONS TO THE CUSTODY OR SUPERVISION OF THE DEPARTMENT OF MENTAL HEALTH AND TO THE INSTITUTIONS UNDER ITS JURISDICTION OR SUPERVISION.

*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. Chapter 123 of the General Laws is  
2 hereby amended by striking out section 51, as appear-  
3 ing in the Tercentenary Edition, and as subsequently  
4 amended, and inserting in place thereof the following  
5 section: —

6 *Section 51.* No person shall be committed to any  
7 hospital for the mentally ill designated under or  
8 described in section ten, unless there has been filed  
9 with the court an application for such commitment  
10 signed by a competent relative within the first degree  
11 of such person or by a competent resident of the com-  
12 monwealth, accompanied by a certificate of the said

13 person's mental illness signed and sworn to by a  
14 physician qualified as provided in section fifty-three,  
15 nor unless there have also been filed with the court  
16 two certificates of the said person's mental illness  
17 made separately by two physicians appointed by the  
18 court in strict rotation from one or more panels of  
19 properly qualified physicians compiled for the said  
20 court by the department, nor unless the court has  
21 given the said person not less than seven days' notice  
22 of when it is to dispose of the matter and of the right  
23 of the said person or of any competent person or  
24 charitable corporation in his behalf to demand a hear-  
25 ing, nor without any order for such commitment  
26 signed by a judge named in section fifty that he finds  
27 the said person mentally ill and a proper subject for  
28 treatment or custody in a hospital for the mentally  
29 ill. For the purposes of this chapter the term "mental  
30 illness" shall include psychosis, senile dementia, al-  
31 coholism, the uncontrollable addiction to drugs, and,  
32 when the patient is dangerous to himself or to others,  
33 psychoneurosis and epilepsy. The hearing shall be at  
34 such place as the judge shall appoint, including closed  
35 chambers and the said person's place of abode; the  
36 court may exclude all persons without a legitimate  
37 interest in the proceedings; and the said person shall  
38 be present, unless after receiving notice of the time  
39 appointed for disposition of the matter he in writing  
40 requests the court to be excused from such hearing.  
41 If no hearing is demanded, or ordered by the court,  
42 and if the said person is not already a patient in some  
43 hospital for the mentally ill or institution for the men-  
44 tally deficient, the judge shall commit the person to a  
45 hospital for the mentally ill for not more than forty  
46 days' observation. In all cases the judge shall on his

47 commitment order specify the type of mental illness  
48 which the said person is supposed to have, and certify  
49 in what place the said person resided or was at the  
50 time of his commitment; or, if the commitment is  
51 ordered by a judge under section one hundred or one  
52 hundred and one, the judge shall certify in what place  
53 the said person resided or was at the time of arrest  
54 upon the charge for which he was held to answer be-  
55 fore such court. Such certificate shall, for the pur-  
56 poses of section fifty, be conclusive evidence of the  
57 residence of the person committed. The order of  
58 commitment shall also authorize the custody of the  
59 said person either at the hospital to which he shall  
60 first be committed or at some other hospital to which  
61 he may be transferred.

1 SECTION 2. Said chapter is hereby further amended  
2 by striking out sections sixty-two to sixty-five, in-  
3 clusive, as appearing in the Tercentenary Edition,  
4 and as subsequently amended.

1 SECTION 3. Said chapter is hereby further amended  
2 by striking out sections 66 and 66A, as appearing in  
3 the Tercentenary Edition, and as subsequently  
4 amended, and inserting in place thereof the following  
5 sections:—  
6 *Section 66.* No person shall be committed to any  
7 state school or other institution for the mentally de-  
8 ficient except in the manner provided by section fifty-  
9 one for the commitment of persons to hospitals for the  
10 mentally ill.

11 If a mentally deficient person is committed to such  
12 a school or institution, the department shall there-  
13 after have power, whenever advisable, to transfer him

14 to the custody or supervision of the department; and  
15 thereafter the provisions of section sixty-six A, rela-  
16 tive to removal, temporary release and discharge of  
17 persons deemed mentally deficient, shall apply to  
18 such person.

19 *Section 66A.* The judge of probate for the county  
20 in which a person resides or is found may, in the man-  
21 ner provided by section fifty-one relative to the com-  
22 mitment of persons to hospitals for the mentally ill,  
23 find such person mentally deficient and commit him  
24 to the custody or supervision of the department; pro-  
25 vided, that the approval of the department be filed  
26 with the application for such commitment.

27 If a person deemed mentally deficient is committed  
28 to the custody or supervision of the department, the  
29 department shall thereafter have power to transfer  
30 him to a state school or other institution for the men-  
31 tally deficient; or to apply for his removal to a de-  
32 partment for defective delinquents, in the manner pro-  
33 vided by section one hundred and sixteen; or to re-  
34 lease him temporarily in the manner provided by, and  
35 subject to, the provisions of section eighty-eight; or  
36 to discharge him under section eighty-nine.

1 SECTION 4. Said chapter is hereby further amended  
2 by striking out sections 68 and 69, as appearing in the  
3 Tercentenary Edition, and as subsequently amended.