

SENATE No. 1617

The Commonwealth of Massachusetts

SENATE, August 20, 1970.

The Committee on Bills in the Third Reading, to whom was referred the bill suspending the operation of certain provisions of the comprehensive drug rehabilitation program (House No. 5978) reports recommending that the same be amended by substituting therefor a new draft with the same title; (Senate No. 1617) and that, when so amended, the same will be correctly drawn.

For the committee,

JOHN E. HARRINGTON, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT SUSPENDING THE OPERATION OF CERTAIN PROVISIONS OF THE COMPREHENSIVE DRUG REHABILITATION PROGRAM.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to suspend forthwith certain pro-
3 visions of the comprehensive drug rehabilitation program,
4 therefore it is hereby declared to be an emergency law, neces-
5 sary for the immediate preservation of the public health.

*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. The first sentence of section 63 of chapter 123
2 of the General Laws, as most recently amended by section 9
3 of chapter 889 of the acts of 1969, is hereby further amended
4 by adding after the word "alcoholic" the words, "or who is so
5 addicted to the intemperate use of narcotics, habit-forming
6 stimulants or sedatives as to have lost the power of self-
7 control."

1 SECTION 2. The first sentence of section 63 of said chapter
2 123, as amended by section 10 of said chapter 889, is hereby
3 further amended by inserting after the word "inebriate", as
4 appearing in line 2 in the Tercentenary Edition, the words:
5 or as addicted to the intemperate use of narcotics or stimu-
6 lants".

1 SECTION 3. Section 68 of said chapter 123, as amended by
2 section 11 of said chapter 889, is hereby further amended by
3 adding after the word "inebriate" the words: or is so addicted
4 to the intemperate use of narcotics or stimulants as to have
5 lost the power of self control.

1 SECTION 4. Section 71 of said chapter 123 is hereby amended
2 by striking out the words "or inebriates", inserted by section
3 12 of said chapter 889, and inserting in place thereof the
4 words: — , inebriates, or persons addicted to the intemperate
5 use of narcotics or stimulants,.

1 SECTION 5. The first sentence of section 74 of said chapter
2 123 is hereby amended by striking out the words "or inebriate",
3 inserted by section 13 of said chapter 889, and inserting in
4 place thereof the words: — , inebriate or one addicted to the
5 intemperate use of narcotics or stimulants.

1 SECTION 6. The third sentence of said section 74 of said
2 chapter 123 is hereby amended by striking out the words "or
3 inebriate" inserted by Section 13A of said Chapter 889, and
4 inserting in place thereof the words: — , inebriate or one
5 addicted to the intemperate use of narcotics or stimulants.

1 SECTION 7. The first sentence of section 80 of said chapter
2 123 is hereby amended by striking out the words "alcoholic
3 beverages", inserted by section 14 of said chapter 889, and
4 inserting in place thereof the words: narcotics, stimulants,
5 alcoholic beverages or other drugs,.

1 SECTION 8. The first sentence of section 86 of said chapter
2 123 is hereby amended by striking out the words "or alcoholic",
3 inserted by section 15 of said chapter 889, and inserting in
4 place thereof the words: — "an alcoholic or a drug addict".

1 SECTION 9. The first paragraph of section 115 of said chapter
2 123, as amended by section 16 of said chapter 889, is hereby
3 further amended by adding the following sentence: — No
4 person shall be committed to a department for the care and
5 treatment of drug addicts under section one hundred and
6 thirteen or one hundred and fourteen unless there has been
7 filed with the judge a certificate by two physicians, qualified
8 as provided in section fifty three, that such person is addicted
9 to the intemperate use of stimulants or narcotics.

1 SECTION 10. Said chapter 123 is hereby further amended by
2 striking out section 117, as most recently amended by sections
3 17, 18, 19, and 20 of said chapter 889 and inserting in place
4 thereof the following section:

5 *Section 117.* At the correctional institutions of the common-
6 wealth or such other place or places as may hereafter be
7 approved by the governor and council, there may be main-
8 tained departments to be termed departments for defective
9 delinquents, for the custody of persons committed thereto
10 under sections one hundred and thirteen to one hundred and
11 sixteen, inclusive. At any state institution under the super-
12 vision of the department of correction, there may be estab-
13 lished and maintained, with the approval of the governor and
14 council, departments to be termed departments for drug
15 addicts, for the care and treatment of persons addicted to the
16 intemperate use of narcotics or habit forming stimulants or
17 sedatives and committed thereto under said sections. All men
18 and boys so committed shall be committed to departments for
19 male defective delinquents or for male drug addicts, as the
20 case may be. All women and girls so committed shall be com-
21 mitted to departments for female defective delinquents or for
22 female drug addicts, as the case may be. All such persons
23 committed to departments for defective delinquents or for
24 drug addicts at any institution under control of the department
25 of correction shall be and remain in the custody of the said
26 department until discharged as hereinafter provided.

1 SECTION 11. Said chapter 123 is hereby further amended by
2 inserting after section 118A the following section:

3 *Section 118B.* Any person may apply at any time to the
4 justice of the district court in whose jurisdiction a department
5 for drug addicts is located, for the discharge of any inmate of
6 said department. A hearing shall thereupon be held, of which
7 notice shall be given to the applicant and to the person in
8 charge of the institution where the inmate is confined. If after
9 the hearing the justice shall find that it is probable that the
10 inmate can be allowed to be at large without serious injury to

11 himself, or damage or injury or annoyance to others, he may
12 order the person having custody of said inmate to parole him.
13 Further action on the application for the inmate's discharge
14 shall be suspended for one year from the date of his parole.
15 If, at any time prior to the expiration of said year, the justice
16 of the court where the application was filed shall be satisfied
17 that the best interests of said inmate, or of he public, require
18 the recall of the inmate from parole, he may authorize the
19 person having custody of the inmate to so recall him. If an
20 application is denied, a new application shall not be made
21 within one year after the date of the order denying the
22 previous application. If at the end of said year the justice shall
23 find that said inmate can be allowed to be permanently at
24 large without serious injury to himself, or damage or injury or
25 annoyance to others, he may order the person having custody
26 of said inmate to discharge him. If a person discharged under
27 this section is found by any court to have committed, after his
28 discharge, any offense against the laws of the commonwealth,
29 said court may commit such person to a department for drug
30 addicts, without the certificate of any physician.

1 SECTION 12. Said chapter 123 is hereby further amended by
2 striking out section 124, as most recently amended by section
3 21 of chapter 889 of the acts of 1969, and inserting in place
4 thereof the following section:

5 *Section 124.* Sections one hundred and thirteen to one
6 hundred and twenty-four, inclusive, shall take effect as to any
7 of the departments named in section one hundred and seven-
8 teen when the same is ready for occupancy. The commissioner
9 of correction shall notify the governor when a department is
10 in a suitable condition to receive inmates; and the governor
11 may then issue his proclamation establishing such department
12 as a place for the custody of defective delinquents or for the
13 care and treatment of drug addicts, as the case may be.

1 SECTION 12A. Section one hundred and forty-three of said
2 chapter one hundred and twenty-three is hereby repealed.

1 SECTION 13. Section 19 of chapter 125 of the General Laws
2 is hereby amended by striking out the first paragraph, as most
3 recently amended by section 22 of said chapter 889 and insert-
4 ing in place thereof the following paragraph: —

5 The Massachusetts Correctional Institution, Bridgewater,
6 shall be the institution of the commonwealth where all males
7 convicted of drunkenness shall be committed and detained.
8 Except for alcoholics and drug addicts committed under
9 section sixty-two, eighty or eighty-six of chapter one hundred
10 and twenty-three, defective delinquents committed under
11 sections one hundred and thirteen or one hundred and seven-
12 teen of said chapter, or insame persons committed under
13 sections one hundred, one hundred and one, one hundred and
14 three, or one hundred and four of said chapter or mentally ill
15 persons committed under section fifty-one A of said chapter,
16 no person shall be committed to the Massachusetts Correctional
17 Institution, Bridgewater, except for the crime of drunkenness.

1 SECTION 14. Chapter 127 of the General Laws is hereby
2 amended by striking out section 111A, as most recently
3 amended by section 23 of said chapter 889 and inserting in
4 place thereof the following section: —

5 *Section 111A.* He may remove any person committed to a
6 department for defective delinquents or for drug addicts
7 established at any institution under the department of cor-
8 rection under section one hundred and seventeen of chapter one
9 hundred and twenty-three, from such department to a like
10 department at any other institution under the department of
11 correction.

1 SECTION 15. The General Laws are hereby amended by
2 inserting the following chapter: —

3 CHAPTER 111B.

4 DRUG ADDICTION REHABILITATION.

5 *Section 1.* The following words as used in this chapter shall,
6 unless the context requires otherwise, have the following
7 meanings: —

8 "Administrator", the administrator of the drug addiction
9 program.

10 "Board", the drug addiction rehabilitation board established
11 under section twelve of chapter seventeen.

12 "Drug addict", a person who is so dependent upon narcotic
13 drugs that he loses his powers of self control and is thereby a
14 danger to himself and to the public.

15 "Narcotic drug", as defined in section one hundred and
16 ninety-seven of chapter ninety-four.

17 "Rehabilitation center", a state drug addiction rehabilita-
18 tion center.

19 *Section 2.* The drug addiction rehabilitation board shall
20 establish or provide for the establishment of a state drug ad-
21 diction rehabilitation center for the treatment, custody, control
22 and rehabilitation of drug addicts, which shall be under the
23 supervision of a director who shall be a physician who is
24 qualified and experienced in the treatment and rehabilitation
25 of drug addicts.

26 The center may be located in an institution under the gen-
27 eral supervision of the department of mental health, the de-
28 partment of public health, except the Tewksbury hospital,
29 or of the commissioner of correction and it shall be operated
30 and staffed as a part of said institution, except that the pro-
31 fessional staff shall also be approved for appointment by the
32 board. The board may, however, if it deems it advisable pro-
33 vide for the establishment of such center in a hospital or in-
34 stitution not within any of the above departments. In such
35 case, the board is authorized to contract annually with a
36 hospital or other institution of a public nature or a non-profit
37 corporation to provide the facilities and services necessary
38 for such a center.

39 The director of the center and his staff shall co-operate
40 with the administrator and make such records available to
41 him as he shall request. The director of the center shall make
42 an annual report of the activities of the center to the ad-
43 ministrator in such form and manner as the administrator
44 may indicate.

45 The commitment procedures authorized under this chapter

46 shall not become operative until such time as a rehabilitation
47 center is established and in operation to the satisfaction of
48 the board. All existing procedures established for the com-
49 mitment or admission of drug addicts to hospitals shall re-
50 main in full force and effect, and, after the establishment of
51 the center, the courts may utilize such other existing com-
52 mitment procedures in cases where it is deemed advisable or
53 when because of the lack of facilities at the center hospitali-
54 zation of such person is not possible therein.

55 After the establishment of a rehabilitation center, the
56 board may establish or provide for the establishment of such
57 additional centers as it may deem necessary, and may transfer
58 patients from one rehabilitation center to another if it is
59 deemed advisable.

60 The board may establish or provide for the establishment
61 of facilities for outpatient treatment, including voluntary
62 treatment, of drug addicts at a rehabilitation center or else-
63 where. The board may establish regulations relative to eli-
64 gibility for outpatient treatment and relative to other aspects
65 of its program.

66 *Section 3.* The board of health of any city or town, or any
67 member thereof, or any two physicians licensed to practice
68 medicine in the commonwealth, or the commissioners of pub-
69 lic health or mental health or their agent, may petition the
70 board for the commitment and rehabilitation of any person
71 who is a drug addict.

72 On receipt of such petition, the board or its agent shall
73 make an investigation, and, if indicated, shall have a qualified
74 physician make a physical and psychiatric examination of such
75 person to determine whether or not he is a drug addict who
76 would benefit by treatment at a rehabilitation center. If the
77 examining physician finds and reports that the person is a
78 drug addict and would so benefit, the board shall, if facilities
79 are available at a rehabilitation center, file a petition in the
80 district court for the commitment of such person under sec-
81 tion four. The report of the examining physician shall ac-
82 company such petition and shall be considered a part thereof.
83 If, however, such person refuses to submit to such examina-

84 tion, the board may, if it has reasonable grounds to suspect
85 him of being a drug addict, order him to be hospitalized
86 immediately at a rehabilitation center for an observational
87 period not to exceed fifteen days.

88 If the examining physician finds and reports to the board
89 that the person is a drug addict and in need of immediate
90 hospitalization for his health and safety, the board may order
91 such person hospitalized immediately at a rehabilitation cen-
92 ter for an emergency observational period not to exceed fifteen
93 days. The report of the examining physician shall accompany
94 the order for hospitalization.

95 The board may call upon the police department of the city or
96 town where the person is present or the state police or other
97 authorities to provide transportation to a rehabilitation center
98 indicated by the board.

99 If a person is sent to a rehabilitation center for observation
100 or emergency observation under this section, the director of
101 said center shall, during such period or at the expiration of
102 the fifteen days either release the person or, having completed
103 the physical and psychiatric examination and observation of
104 such person, file a petition in the district court for the com-
105 mitment of such person under section four.

106 *Section 4.* A justice of a district court may commit to a
107 rehabilitation center any person found to be a drug addict
108 who resides or is present within the territorial jurisdiction
109 of the court and concerning whom a petition is filed in ac-
110 cordance with the requirements of section three.

111 The procedure for a commitment shall be as follows: —

112 (1) If the petition for commitment is filed by the board,
113 the district court justice shall examine the petition and the
114 accompanying report of the examining physician and, if they
115 are in order, shall appoint two other physicians experienced
116 in the field of drug addiction to examine such person and re-
117 port to the court whether or not such person is a drug ad-
118 dict and if so whether he would benefit by treatment at a re-
119 habilitation center. Neither of the appointed physicians shall
120 be on the staff of a rehabilitation center.

121 The court shall give the person notice of his right to a

122 hearing on the matter of his commitment. If such person
123 requests a hearing, the justice shall allow him a reasonable
124 time to prepare his case; if he does not request a hearing,
125 the justice may order his commitment on the basis of the
126 physicians' reports.

127 If the justice finds that the person is a drug addict and
128 would benefit by treatment and rehabilitation at a rehabili-
129 tation center, he shall order him committed to the care and
130 custody of such center; provided, however, that he shall first
131 consult with the board relative to the availability of facilities
132 for such person as a patient in such center, and shall not com-
133 mit the person to a center unless the board indicates that the
134 center can accommodate him. If the person cannot be ac-
135 commodated in such center, the justice may commit him to
136 other available and appropriate psychiatric facilities in the
137 department of mental health under applicable provisions of
138 chapter one hundred and twenty-three.

139 A person ordered committed to a rehabilitation center under
140 this section shall be under order of commitment to the care
141 and custody of the center for a period of two years. How-
142 ever, a justice of said court may extend the commitment for
143 one additional year if the director of the center certifies to
144 the court that the person is not recovered and is still in need
145 of care, supervision and control. When the person is ordered
146 committed to a rehabilitation center, he shall be transported
147 thereto by court order and shall be hospitalized in such center
148 for care and custody until such time, during the two-year
149 period, as the director of the center considers necessary. The
150 director may release such person from full-time care and
151 custody to day or night care or to outpatient treatment under
152 the supervision of the center whenever he deems it necessary
153 in the interest of the person. All such day or night care or
154 outpatient treatment shall be under the commitment order
155 and under such conditions as the director of the center may
156 impose in regard to personal conduct, place of residence,
157 periodic visits for treatment and consultation and other mat-
158 ters. Any breach of these conditions shall be grounds for im-
159 mediate rehospitalization of such person under the commit-

160 ment order. The police department of the city or town where
161 the person is located or the state police or other authorities
162 shall when requested by the director of the center apprehend
163 and return such person to the center, if he does not return
164 voluntarily. An addition condition of release of such person
165 on day or night care or outpatient treatment may be that the
166 person submit to periodic tests, at the center or by persons
167 designated by the director, to determine, by means of a drug
168 anti-narcotic in action or otherwise, whether or not the person
169 is free of the use of narcotic drugs.

170 (2) If the petition for commitment is filed by the director
171 of the rehabilitation center where the person was hospitalized
172 for observation or for emergency care, the justice shall give
173 notice to the person of his right to a hearing on the matter
174 of his commitment. If a hearing is requested by such person,
175 it shall be granted and the medical examination and com-
176 mitment procedure shall be conducted in accordance with
177 the provisions of this section. If a hearing is not requested, the
178 justice may, on the basis of said petition and on such other
179 evidence as he may require, order the person committed with-
180 out further hearing or examination.

181 *Section 5.* At any time during the two-year period or any
182 extension thereof the director of the rehabilitation center
183 may report to the district court that a patient committed
184 under section four has recovered and is no longer in need of
185 commitment. The court shall then dismiss the commitment
186 order, and the patient shall remove from the care and custody
187 of the rehabilitation center.

188 *Section 6.* Any defendant under arrest on a criminal charge
189 before any court who, while in custody, shows symptoms of
190 being a drug addict, or states that he is a drug addict, or any
191 defendant who is charged with a violation of any law in-
192 volving the illegal use or sale of narcotic durgs or the illegal
193 possession of narcotic drugs or hypodermic syringe, needle or
194 other instruments adapted for such use, and who either re-
195 quests or does not object to a medical examination to deter-
196 mine if he is a drug addict, shall be given such examination
197 upon order of the court. A defendant in any crime involving

198 narcotic drugs shall, upon being brought before the court on
199 such charges, be informed of his right to request such exami-
200 nation; provided, however, that such defendant must request
201 the examination within five days of being so informed and
202 while still in continuous custody. If such defendant is placed
203 on bail or otherwise released from custody he shall not be
204 allowed such examination unless he furnishes the court a good
205 and sufficient reason why such request was not timely made,
206 nor shall he be allowed such examination if while out of cus-
207 tody he took drugs to defraud the court into finding him a
208 drug addict.

209 Medical examination of such a defendant may be conducted
210 by a physician appointed by the court while the defendant is
211 in custody or it may be conducted in a facility of the depart-
212 ment of mental health or at a rehabilitation center. Such
213 examination shall not take place at a rehabilitation center
214 unless the director of the center indicates to the court that
215 facilities are available for such defendant. An examination
216 ordered by the court shall be conducted with all reasonable
217 speed, not to exceed ten days from the time of such order.
218 During said period, the criminal proceedings shall be delayed.
219 In not event shall the defendant's request for such examin-
220 ation or any statement made by him to the physician con-
221 ducting such examination, or any findings of such physician
222 be used against the defendant in any criminal proceedings.

223 If the physician conducting the examination reports that
224 he defendant is not a drug addict, the criminal proceedings
225 shall continue; if, however, the physician reports that the
226 defendant is a drug addict and that he would benefit by treat-
227 ment at a rehabilitation center, the defendant may request
228 the court to commit him to such center for the period and
229 under the conditions specified in section four and, if the
230 defendant has not previously been convicted of a crime other
231 than a traffic violation the court may, subject to the other
232 limitations imposed by section seven, so commit him, and
233 the criminal charges against him shall be placed on file pend-
234 ing his completion of the program of rehabilitation under
235 such commitment. In all other cases, the defendant shall not

236 be considered for such commitment unless and until he is con-
237 victed on such charges, at which time the court may, subject
238 to the limitations imposed by said section seven, so commit
239 him to a rehabilitation center. Before committing any de-
240 fendant under this section, the court shall consult the board
241 relative to the availability of facilities for the defendant as a
242 patient and shall not commit any defendant to a rehabilitation
243 center unless the board indicates to the court that facilities
244 are available at such center.

245 Each defendant committed under this section shall be under
246 order of commitment to the care and custody of the rehabili-
247 tation center for a period of two years, and, if a request is
248 made to such court for an extension, the court may extend
249 the commitment for an additional year. However, the de-
250 fendant may be placed on day or night care or outpatient
251 treatment by the director of the center as in the case of any
252 other patient of the center. If at any time during his com-
253 mitment a defendant does not co-operate with the center, or
254 does not make an adequate effort to rehabilitate himself or
255 to conduct himself in accordance with the orders and condi-
256 tions of his commitment, the director of the center may order
257 him returned to the court to be held on the criminal charges.
258 The police department of the city or town where the defendant
259 is located or the state police shall, when requested by the
260 director of the center or by the board, apprehend and return
261 such defendant to the court in which the charges against him
262 are pending.

263 At the end of the commitment period, the board shall report
264 to the court on whether the defendant completed the program
265 of rehabilitation and whether he co-operated with the center
266 and obeyed the orders and conditions imposed on him during
267 his commitment. The court shall thereupon dispose of the
268 criminal charges and, in so doing, may consider the report
269 of the board.

270 *Section 7.* The court shall not entertain a request for the
271 commitment of a defendant on a criminal charge who is a
272 drug addict nor commit such defendant under section six, if
273 he was previously committed to a rehabilitation center on

274 three or more occasions arising out of three separate criminal
275 arrests; or was convicted on two or more occasions of a felony,
276 or he is charged with any crime allegedly committed while
277 on bail pending trial on a felony; or if the amount of drugs
278 alleged in the charges pending against the defendant is so
279 substantially greater than would be necessary to supply the
280 defendant's own narcotic habit that he appears to be primarily
281 involved in illegally trafficking in drugs for profit rather than
282 seeking money solely to help support his own narcotic habit;
283 or if the court is of the opinion that it is not in the interest
284 of justice to so commit the defendant.

285 *Section 8.* Any district or superior court justice may in
286 placing a defendant on probation impose as a condition of
287 probation that the defendant be committed to the care and
288 custody of a rehabilitation center for such period and under
289 such conditions as the court may impose; provided, however,
290 that said justice shall not impose such conditions of proba-
291 tion unless he consults with the board relative to the avail-
292 ability of facilities for the defendant in a rehabilitation center
293 or for outpatient treatment under supervision of the director
294 of a center, and the board indicates that such facilities are
295 available for said defendant. The conditions for care and cus-
296 tody of said probationer by the rehabilitation center shall be
297 agreed upon between the court and the board before such
298 commitment as a condition of probation shall be made. Dur-
299 ing any such commitment on probation, the defendant shall
300 continue to be under the supervision of the probation depart-
301 ment of such court. The probation department and the di-
302 rector of the center shall co-operate and exchange necessary
303 information in order to provide the most effective use of this
304 methods of rehabilitation. If at any time during the com-
305 mitment the defendant does not co-operate with the center or
306 the probation department, or does not make an adequate
307 effort to rehabilitate himself or to conduct himself in ac-
308 cordance with the order or conditions of his commitment or
309 probation, the director of the rehabilitation center or the pro-
310 bation department may make a report thereon to the court
311 which placed him on probation, and such conduct may be

312 considered by a justice of said court as a breach of probation.

313 *Section 9.* The facilities of the state drug addiction rehabili-
314 tation program shall be available to persons on parole from a
315 criminal sentence. Parolees shall be eligible for commitment
316 to a rehabilitation center or for voluntary out patient care
317 under this chapter. Treatment and supervision at such cen-
318 ter may be made a condition of parole. Such conditions may
319 include administration of periodic tests to determine by means
320 of drug anti-narcotic in action or otherwise whether or not
321 the parolee is free of the use of narcotic drugs.

322 *Section 10.* The board may make regulations relating to the
323 form and content of the petition made to it under section
324 three for the commitment and rehabilitation of a drug addict,
325 and relating to the operation and management of rehabilita-
326 tion centers, include day or night care, and such other regu-
327 lations as may be necessary to carry out its drug addiction
328 program, and the provisions of this chapter.

1 SECTION 16. The first sentence of section 62 of chapter
2 123 of the General Laws as amended by section 1 of this act,
3 is hereby further amended by striking out the words, "or
4 who is so addicted to the intemperate use of narcotics, habit-
5 forming stimulants or sedatives as to have lost the power of
6 self-control".

1 SECTION 17. The first sentence of section 63 of said chapter
2 123, as amended by section 2 of this act, is hereby further
3 amended by striking out the words, "or as addicted to the
4 intemperate use of narcotics or stimulants".

1 SECTION 18. Section 68 of said chapter 123, as amended
2 by section 3 of this act, is hereby further amended by strik-
3 ing out the words "or is so addicted to the intemperate use
4 of narcotics or stimulants as to have lost the power of self-
5 control".

1 SECTION 19. Section 71 of said chapter 123 as amended
2 by section 4 of this act, is hereby amended by striking out the

3 words, "inebriates, or persons addicted to the intemperate
4 use of narcotics, or stimulants," and inserting in place thereof
5 of the words: — or inebriates.

1 SECTION 20. The first sentence of section 74 of said chap-
2 ter 123, as amended by section 5 of this act, is hereby
3 amended by striking out the words, "inebriate or one addicted
4 to the intemperate use of narcotics or stimulants" and insert-
5 ing in place thereof the words: — or inebriate.

1 SECTION 21. The third sentence of section 74 of said chap-
2 ter 123, as amended by section 6 of this act, is hereby further
3 amended by striking out the words, "inebriate or one ad-
4 dicted to the intemperate use of narcotics or stimulants" and
5 insening in place thereof the words: — or inebriate.

1 SECTION 22. The first sentence of section 80 of said chapter
2 123, as amended by section 7 of this act, is hereby further
3 amended by striking out the words "narcotics, stimulants
4 alcoholic beverages or other drugs," and inserting in place
5 thereof the words: alcoholic beverages.

1 SECTION 23. The first sentence of section 86 of said chapter
2 123, as amended by section 8 of this act, is hereby further
3 amended by striking out the words "an alcoholic or a drug
4 addict" and inserting in place thereof the words: — or alco-
5 holic.

1 SECTION 24. The first paragraph of section 115 of said
2 chapter 123, as amended by section 9 of this act, is hereby
3 amended by striking out the second sentence.

1 SECTION 25. Said chapter 123 is hereby further amended
2 by striking out section 117, as most recently amended by
3 section 10 of this act, and inserting in place thereof the fol-
4 lowing Section:

5 *Section 117.* At the correctional institutions of the com-
6 monwealth or such other place or places as may thereafter

7 be approved by the governor and council, there may be main-
8 tained departments to be termed departments for defective
9 delinquents, for the custody of persons committed thereto
10 under sections one hundred and thirteen to one hundred and
11 sixteen, inclusive.

12 All men and boys so committed shall be committed to de-
13 partments for male defective delinquents or for male drug
14 drug addicts, as the case may be. All women and girls so
15 committed shall be committed to departments for female de-
16 fective delinquents, or for female drug addicts, as the case
17 may be. All such persons committed to departments for de-
18 fective delinquents or for drug addicts at any institution under
19 control of the department of correction shall be and remain
20 in the custody of the said department until discharged as
21 hereinafter provided.

1 SECTION 26. Section 118 B of said chapter 123, inserted
2 by section 11 of this act, is hereby repealed.

1 SECTION 27. The second sentence of section 124 of said
2 chapter 123, as appearing in section 12 of this act, is hereby
3 amended by striking out the words "or for the care and treat-
4 ment of drug addicts, as the case may be".

1 SECTION 28. The second sentence of the first paragraph
2 of section 19 of chapter 125 of the General Laws, as ap-
3 pearing in section 13 of this act, is hereby amended by strik-
4 ing out the words "and drug addicts".

1 SECTION 29. Section 111 A of chapter 127 of the General
2 Laws, as added by section 14 of this act, is hereby amended
3 by striking out in line 2 the words "or for drug addicts".

1 SECTION 30. Chapter 111 B of the General Laws is hereby
2 repealed.

1 SECTION 31. Section 125 of chapter 123 of the General
2 Laws is hereby amended by striking out the definition of

3 "treatment", as appearing in section 1 of chapter 889 of the
4 acts of 1969.

1 SECTION 32. Sections one to fourteen, inclusive, of this
2 act shall take effect upon passage. Sections fifteen to thirty,
3 inclusive, shall take effect on January first, nineteen hundred
4 and seventy-one.

1900

Received of the Treasurer of the Board of Education the sum of \$100.00 for the year 1900

STATE OF NEW YORK

In SENATE, January 10, 1900.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE, IN ANSWER TO A RESOLUTION PASSED BY THE SENATE, APRIL 18, 1899.

ALBANY: JAMES BROWN PUBLISHER, 1899.

PRINTED BY THE STATE PRINTING OFFICE, ALBANY, N. Y.

THE COMMISSIONERS OF THE LAND OFFICE, STATE OF NEW YORK, have the honor to acknowledge the receipt of the sum of \$100.00 from the Treasurer of the Board of Education, for the year 1900.

The sum of \$100.00 is hereby acknowledged as having been received for the year 1900, and is hereby certified to the Board of Education for their use.

Very respectfully,
JAMES BROWN, Commissioner of the Land Office.

Approved: _____
Secretary of the Board of Education.

