

# HOUSE . . . . . No. 6350

---

---

## The Commonwealth of Massachusetts

---

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE  
STATE HOUSE, BOSTON, October 6, 1971.

*To the Honorable Senate and House of Representatives:*

Pursuant to G.L. c. 7, s. 4, and at the request of the Department of Mental Health, I am submitting herewith legislation making a corrective change in the law revising the laws relative to the admission, treatment and discharge of mentally ill and mentally retarded persons.

When G.L. c. 123 was rewritten by St. 1970, c. 888, s. 28 A of the existing c. 123 (which had been inserted in c. 123 earlier in the same year) was inadvertently omitted. The appended legislation would correct this error by inserting a provision identical to s. 28A as s. 22A of the new version of G.L. c. 123.

This legislation would take effect on November 1, 1971, which is the effective date of the revised version of G.L. c. 123.

Respectfully submitted,

ROBERT L. YASI  
*Commissioner of Administration*

**The Commonwealth of Massachusetts**

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

AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW REVISING THE LAWS RELATIVE TO THE ADMISSION, TREATMENT AND DISCHARGE OF MENTALLY ILL AND MENTALLY RETARDED PERSONS.

*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, as appearing in  
2 section 4 of chapter 888 of the acts of 1970, is hereby amended  
3 by inserting after section 22 the following section: —

4 *Section 22A.* The commissioner of mental health, the super-  
5 intendent of a state hospital or state school, the head of any  
6 residential mental or retardation facility of the department, or  
7 any person acting in any such capacity shall not be liable for  
8 damages in excess of ten thousand dollars as a result of any act or  
9 failure to act in the performance of his official administrative  
10 duties provided that he acted in good faith and without malice.

1 SECTION 2. This act shall take effect on November first,  
2 nineteen hundred and seventy-one.