

# HOUSE . . . . . No. 562

By Mr. Kiernan of Lowell, petition of Franklin H. Flaschner and Cornelius F. Kiernan for legislation to ensure the privacy of court records of commitments to mental institutions except in the discretion of the court. The Judiciary.

## The Commonwealth of Massachusetts

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

**AN ACT TO ENSURE THE PRIVACY OF COURT RECORDS OF COMMITMENTS TO MENTAL INSTITUTIONS EXCEPT IN THE DISCRETION OF THE COURT.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 123 of the General Laws, as appearing in section 4  
2 of chapter 888 of the acts of 1970 is hereby amended by  
3 inserting after section 36 of said chapter the following  
4 section: —

5 *Section 36A.* All reports of examinations made to a court  
6 pursuant to sections one through eighteen, section forty-seven,  
7 and section forty-eight shall be private except in the discretion  
8 of the court. All petitions for commitment, notices, orders of  
9 commitment and other commitment papers used in proceedings  
10 under sections one through eighteen and section thirty-five  
11 shall be private except in the discretion of the court. Each  
12 court shall keep a private docket of the causes relative to  
13 persons believed to be mentally ill coming before it, including  
14 proceedings under section thirty-five; provided that nothing in  
15 this section shall prevent public inspection of any complaints  
16 or indictments in a criminal case, or prevent any notation in  
17 the ordinary docket of criminal cases concerning commitment

18 proceedings under sections one through eighteen against a de-  
 19 fendant in a criminal case. Notwithstanding the provisions of  
 20 this paragraph, any person who is or has been the subject of an  
 21 examination or commitment proceedings, or his counsel, may  
 22 inspect all reports and all papers concerning such proceedings,  
 23 and the prosecutor in a criminal case may inspect all reports  
 24 and all papers concerning commitment proceedings arising out  
 25 of said criminal case.