

By Mrs. Owens-Hicks of Boston, petition of Shirley Owens-Hicks, Gloria L. Fox, Kay Khan, Ruth B. Balsler and another for legislation to provide for the establishment of a mental health court for the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A MENTAL HEALTH 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 SECTION 1. The governor is hereby authorized and directed to
2 file an application with the attorney general of the United States
3 of America for a grant to establish a demonstration mental health
4 court under the provisions of (42 USC 3793 (a)) as amended.

1 SECTION 2. The chief administrative justice of the trial court
2 of the commonwealth is hereby authorized and directed to estab-
3 lish a program that will involve the following:

4 (1) continuing judicial supervision, including periodic review,
5 over preliminarily qualified offenders with mental illness, mental
6 retardation, or co-occurring mental illness and substance abuse
7 disorders, who are charged with misdemeanors or nonviolent
8 offenses; and

9 (2) the coordinated delivery of services, which includes:—

10 (A) specialized training of law enforcement and judicial per-
11 sonnel to identify and address the unique needs of a mentally ill or
12 mentally retarded offender;

13 (B) voluntary outpatient or inpatient mental health treatment, in
14 the least restrictive manner appropriate, as determined by the
15 court, that carries with it the possibility of dismissal of charges or
16 reduced sentencing upon successful completion of treatment;

17 (C) centralized case management involving the consolidation of
18 all of a mentally ill or mentally retarded defendant's cases,
19 including violations of probation, and the coordination of all
20 mental health treatment plans and social services, including life
21 skills training, such as housing placement, vocational training,
22 education, job placement, health care, and relapse prevention for
23 each participant who requires such services; and

24 (D) continuing supervision of treatment plan compliance for a
25 term not to exceed the maximum allowable sentence or probation
26 for the charged or relevant offense and, to the extent practicable,
27 continuity of psychiatric care at the end of the supervised period.