

HOUSE No. 2012

The Commonwealth of Massachusetts

PRESENTED BY:

Jon Santiago

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a commission to reform Section 12.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>1/17/2023</i>

HOUSE No. 2012

By Representative Santiago of Boston, a petition (accompanied by bill, House, No. 2012) of Jon Santiago for an investigation by a special commission (including members of the General Court) relative to emergency restraint and hospitalization of persons posing a risk of serious harm by reason of mental illness. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act creating a commission to reform Section 12.

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

1 There shall be a section 12 involuntary commitment commission to investigate and study
2 the efficacy of the statute given many advancements made in this area.

3 The Commission shall review but not be limited to: a comprehensive re-evaluation of the
4 current language of Chapter 123 section 12 and its requisite sub-parts; and an evaluation of the
5 legal standards of "substantial risk of physical harm to self or others" vs "very substantial risk of
6 physical impairment or injury".

7 The Commission shall also make recommendations that may include but are not limited
8 to re-drafting the statute, revising the current statute, and directing the Department of Mental
9 Health to draft updated regulations (104 CMR) to better interpret the above phrases in the statute.

10 The Commission shall evaluate the way current policy guidance and policy has changed
11 the historical procedures.

12 The Commission shall evaluate the way 988 has changed the section 12 process and offer
13 recommendations for how the efforts around 988 and changes to the involuntary commitment
14 process may better align to reduce unnecessary use of section 12.

15 The commission shall consist of: the secretary of health and human services or a
16 designee, who shall serve as chair; the house and senate chairs of the joint committee on mental
17 health, substance use and recovery or their designees; the house and senate chairs of the joint
18 committee on judiciary or their designees; the minority leader of the house or a designee; the
19 minority leader of the senate or a designee; the chief justice of the trial court or a designee; the
20 commissioner of the department of mental health or a designee; 1 representative from each of the
21 following organizations: Massachusetts Chiefs of Police Association; The Committee for Public
22 Counsel Services; Massachusetts Health & Hospital Association, Inc.; Massachusetts Medical
23 Society; Massachusetts Psychiatric Society, Inc.; Massachusetts College of Emergency
24 Physicians, Inc.; and Massachusetts Association of Behavioral Health Systems, Inc.; National
25 Alliance on Mental Illness Massachusetts; Massachusetts Association for Mental Illness ;
26 Massachusetts Ambulance Association.

27 The commission shall file recommendations, including any proposed legislation, with the
28 clerks of the house of representatives and the senate not later than one year after its first meeting.