

SENATE No. 1052

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 relative to the civil commitment for alcoholism or substance abuse at certain facilities.

PETITION OF:

NAME:

Karen E. Spilka

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

SENATE No. 1052

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 1052) of Karen E. Spilka for legislation relative to the civil commitment for alcoholism or substance abuse at certain facilities. Mental Health and Substance Abuse.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 921 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the civil commitment for alcoholism or substance abuse at certain facilities.

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. Section 7 of chapter 111B of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in lines 26 – 29, the words, “or if any such
3 person is committed for rehabilitative purposes to the Massachusetts correctional institution,
4 Bridgewater or to the Massachusetts correctional institution, Framingham, he shall be required to
5 remain for a period of not less than ten days.”

6 SECTION 2. Section 7 of chapter 111B of the General Laws, as so appearing, is hereby
7 amended by inserting at the end thereof the following sentence:-

8 “No person shall be committed to the Massachusetts correctional institution at
9 Bridgewater or to the Massachusetts correctional institution at Framingham for rehabilitative

10 purposes, under this section, unless at least 1 of the following conditions are present: (i) the
11 person has a history, within the last 12 months, of violence towards patients or treatment staff;
12 (ii) the person has a history, within the last 12 months, of elopement from a treatment facility; or
13 (iii) the person exhibits an imminent risk of severe, life threatening withdrawal symptoms or a
14 co-occurring medical or mental health condition that preclude safe detoxification in a less
15 intensive setting.”

16 SECTION 3. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby
17 amended by inserting after the word “psychologist,” in line 33, the following words:- The person
18 shall be assessed using a standardized evaluation tool to be created by the Department of Mental
19 Health in collaboration with the Department of Public Health.

20 SECTION 4. The fourth paragraph of said section 35 of said chapter 123, as so
21 appearing, is hereby amended by striking out the fourth, fifth and sixth sentences and inserting in
22 place thereof the following 2 sentences:- The person may be committed to the Massachusetts
23 correctional institution at Bridgewater, if a male, or at Framingham, if a female, if 1 of the
24 following conditions are present: (i) the person has a history, within the last 12 months, of
25 violence towards patients or treatment staff; (ii) the person has a history, within the last 12
26 months, of elopement from a treatment facility; or (iii) the person exhibits an imminent risk of
27 severe, life threatening withdrawal symptoms or a co-occurring medical or mental health
28 condition that preclude safe detoxification in a less intensive setting. The person so committed
29 shall be housed and treated separately from convicted criminals. Such person shall, upon release,
30 be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the
31 facility for such purpose.”

32 SECTION 5. Said Section 35 of chapter 123 is hereby further amended by striking out,
33 in lines 62-65, the words, “including the separated facilities at the Massachusetts correctional
34 institutions at Bridgewater and Framingham”.

35 SECTION 6. Notwithstanding any general or special law to the contrary, the department
36 of mental health in collaboration with the department of public health shall study and report to
37 the joint committee on mental health and substance abuse and the joint committee on public
38 health the budgetary needs required to provide enough secure treatment beds to meet the
39 requirements of this section by December 31, 2016. The report shall include immediate
40 budgetary needs for fiscal year 2016 and projected annual expenditure requirements through
41 fiscal year 2020.