

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Spilka, Karen (SEN)

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 passage of the accompanying bill:
An Act relative to the civil commitment for alcoholism or substance abuse at certain facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Spilka, Karen (SEN)	Second Middlesex and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01131 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 2006 Official
2 Edition, is hereby amended by striking out, in lines 26 – 29, the words, “or if any such person is
3 committed for rehabilitative purposes to the Massachusetts correctional institution, Bridgewater or to
4 the Massachusetts correctional institution, Framingham, he shall be required to remain for a period of
5 not less than ten days.”

6 SECTION 2. Section 7 of Chapter 111B of the General Laws, as appearing in the 2006 Official
7 Edition, is hereby amended by adding at the end thereof the following: The department shall ensure
8 that no one is committed to the Massachusetts correctional institutions at Bridgewater and
9 Framingham for rehabilitative purposes, pursuant to this section or pursuant to section 35 of chapter
10 123 of the General Laws.

11 SECTION 3. Section 35 of Chapter 123 of the General Laws as appearing in the 2006 Official
12 Edition, is hereby amended by inserting after the word “psychologist,” in line 33, the following

13 words:- The person shall be assessed using a standardized evaluation tool to be created by the
14 Department of Mental Health in collaboration with the Department of Public Health.

15 SECTION 4. Said Section 35 of Chapter 123 of the General Laws as so appearing in the 2006
16 Official Edition, is hereby amended by striking out in lines 41 – 49 the words “The person may be
17 committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham,
18 if a female, provided that there are not suitable facilities available under chapter one hundred and
19 eleven B; and provided, further that the person so committed shall be housed and treated separately
20 from convicted criminals. A person so committed may be released prior to the expiration of the
21 period of commitment upon determination by the superintendent that release of said person will not
22 result in a likelihood of serious harm.”

23 SECTION 5. Said Section 35 of Chapter 123 of the General Laws, as appearing in the 2006 Official
24 Edition, is hereby further amended by striking out in lines 58 - 60 the words “including the separated
25 facilities at the Massachusetts correctional institutions at Bridgewater and Framingham.”

26 SECTION 6. Notwithstanding any General or Special laws to the contrary the Department of Mental
27 Health in collaboration with the Department of Public Health shall study and report to the Committee
28 on Mental Health and Substance Abuse and the Committee on Public Health the budgetary needs
29 required to provide enough secure treatment beds to meet the requirements of this section by
30 December 31, 2010. The report shall include immediate budgetary needs for fiscal year 2011 and
31 projected annual expenditure requirements through fiscal year 2016.