

HOUSE No. 1571

The Commonwealth of Massachusetts

PRESENTED BY:

Paul F. Tucker

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 clarifying the definition of serious mental illness on criminal justice reform.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>

<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Nick Collins</i>	<i>First Suffolk</i>

HOUSE No. 1571

By Mr. Tucker of Salem, a petition (accompanied by bill, House, No. 1571) of Paul F. Tucker and others relative to the definition of serious mental illness in certain criminal justice laws. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act clarifying the definition of serious mental Illness on criminal justice reform.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to The deferred operation of this act would tend to defeat its purpose, which is to forthwith make certain changes in laws relative to and appropriate funds necessary for the administration of justice in the Commonwealth and, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 1 of chapter 127 of the General Laws, as amended by section 86 of
2 said chapter 69, is hereby further amended by striking out the definition of “Serious mental
3 illness” and inserting in place thereof the following 2 definitions:- “Serious mental illness”, a
4 current or recent diagnosis by a qualified mental health professional, of 1 or more of the
5 following disorders described in the most recent edition of the Diagnostic and Statistical Manual
6 of Mental Disorders (DSM): (i) schizophrenia, schizophreniform, schizoaffective, and other
7 psychotic disorders not otherwise specified; (ii) major depressive disorders; (iii) bipolar
8 disorders I and II; (iv) a neurodevelopmental disability, dementia or other cognitive disorder that
9 results in a significant functional impairment involving acts of self-harm or other behaviors that

10 have a seriously adverse effect on life or on mental or physical health; (v) any disorder
11 commonly characterized by breaks with reality or perceptions of reality that lead the individual
12 to experience significant functional impairment involving acts of self-harm or other behaviors
13 that have a seriously adverse effect on life or on mental or physical health; or (viii) severe
14 personality disorders that are manifested by episodes of psychosis or depression and result in
15 significant functional impairment involving acts of self-harm or other behaviors that have a
16 seriously adverse effect on life or on mental or physical health; “Significant functional
17 impairment”, a functional impairment where (i) the inmate has engaged in self harm involving
18 deliberate acts by the inmate that inflict damage to, or threaten the integrity of, one’s own body.
19 Such acts include but are not limited to the following behaviors: hanging, self-strangulation,
20 asphyxiation, cutting, self-mutilation, ingestion of a foreign body, insertion of a foreign body,
21 head banging, drug overdose, jumping and biting; (ii) the inmate has demonstrated difficulty in
22 his or her ability to engage in activities of daily living, including eating, grooming and personal
23 hygiene, maintenance of housing area, participation in recreation, and ambulation, as a
24 consequence of any DSM disorder; (iii) the inmate has demonstrated a pervasive pattern of
25 dysfunctional or disruptive social interactions including withdrawal, bizarre or disruptive
26 behavior, as a consequence of any DSM disorder.