

HOUSE No. 1942

The Commonwealth of Massachusetts

PRESENTED BY:

James R. Miceli

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 temporary release of persons under the care of the department of mental health

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James R. Miceli	19th Middlesex
Alfred Donovan	7 Chester Street Tewksbury, MA 01876
John Mackey	31 Rail Way Hollis, NH 03049

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1893 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE TEMPORARY RELEASE OF PERSONS UNDER THE CARE OF
THE DEPARTMENT OF MENTAL HEALTH.

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

- 1 Chapter 123 of the General Laws is hereby amended by inserting after section 30 the
2 following section:-
3 Section 30A. Prior to the release of a person within the care of the department on a furlough or
4 off the grounds of a facility on any type of pass while unsupervised by a department employee
5 the following requirements shall be met:
6 1) A criminal offender record information check shall be performed;
7 2) A review shall be conducted by a group or panel established to review such releases;
8 3) Written notice shall be given to the chief of police, at least 3 days prior to the release, in
9 any community in which a person with a felony conviction or a serious criminal or violent
10 history is going to receive unattended release. Such notice shall include a copy of such
11 person sanitized criminal offender record information. Such record information shall not
12 identify the person;
13 4) The chief of police may appeal the release of such person to the direction of the facility
14 where the person is under care who shall have final authority in the matter. The chief of
15 police shall be notified of the decision within 24 hours of his appeal.