

SENATE No. 2283

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, Monday, February 5, 2018

The committee on Mental Health, Substance Use and Recovery to whom was referred the petition (accompanied by bill, Senate, No. 1091) of Kenneth J. Donnelly, Jason M. Lewis, Kenneth I. Gordon, Barbara A. L'Italien and other members of the General Court for legislation to establish a restoration center in Middlesex County,- reports the accompanying bill (Senate, No. 2283).

For the committee,
Cindy F. Friedman

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a restoration center in Middlesex County.

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. There shall be a restoration center commission in the former county of
2 Middlesex to plan and implement a county restoration center and program to divert persons
3 suffering from mental illness or substance use disorder who interact with law enforcement or the
4 court system during a pre-arrest investigation or the pre-adjudication process from lock-up
5 facilities and hospital emergency departments to appropriate treatment.

6 The commission shall consist of: the Middlesex sheriff or a designee, who shall serve as
7 co-chair; a representative from the Massachusetts Association for Mental Health, Inc., who shall
8 serve as co-chair; the Middlesex district attorney or a designee; a representative of the National
9 Alliance on Mental Illness of Massachusetts, Inc.; 2 representatives appointed by the Middlesex
10 County Chiefs of Police Association from police departments in the former county of Middlesex
11 who have received critical incident training or have established a local jail diversion program; 2
12 representatives appointed by the Association for Behavioral Healthcare, Inc., at least one of
13 whom shall be be a provider organization in the former county of Middlesex with experience

14 operating a local jail diversion program; 1 member of the senate; 1 member of the house of
15 representatives; a representative from the department of mental health with knowledge of
16 sequential intercept mapping and forensic services; a representative from the department of
17 public health with knowledge of sequential intercept mapping and forensic services; a
18 representative from the trial court with specialty court experience; a representative from the
19 executive office of public safety and security; a representative from MassHealth with knowledge
20 of insurance vehicles, including Medicaid; a representative from the Massachusetts Psychiatric
21 Society, Inc. with experience in community-based mental health services; a representative from
22 The Massachusetts Psychological Association, Inc.; a representative from the office of the
23 commissioner of probation within the former county of Middlesex; a representative from the
24 parole board with knowledge of establishing methodologies and analyzing metrics for program
25 fidelity; and a representative from the committee for public counsel services. The commission
26 shall hold its first meeting not more than 30 days after the effective date of this act.

27 The commission shall develop and implement a 3-year plan to build a restoration center
28 in the former county of Middlesex. In the first year, the commission shall: (i) perform an
29 examination of state and national best practices including, but not limited to, the Bexar County
30 model, which has received national recognition from the federal Substance Abuse and Mental
31 Health Services Administration for its success in diverting individuals with behavioral health
32 issues away from the criminal justice system and into appropriate treatment; and (ii) review the
33 current capacity of mental health providers within the former county to provide behavioral health
34 services to individuals suffering from mental illness or substance use disorders who interact with
35 law enforcement or the court system and the barriers they face to accessing treatment. In the
36 second year, the commission shall develop a jail diversion program and an initial pilot focused

37 on providing integrated community-based services from a centralized location and perform an
38 analysis of potential costs and cost-savings. In the third year, the commission shall develop a
39 restoration center and secure funding for a subsequent 2-year period.

40 Within 1 year, the commission shall submit its findings and recommendations for a
41 restoration center, together with drafts of legislation necessary to carry out those
42 recommendations, including a report on the current capacity to provide behavioral health
43 services to individuals suffering from mental illness or substance use disorder, which shall
44 include, but shall not be limited to, the type of services pre-arrest, pre- and post-release, location
45 of services, type of patients served and barriers to diverting individuals away from the criminal
46 justice system and into treatment. Within 2 years, the commission shall report on the outcome of
47 the pilot programs and provide a full implementation plan for a restoration center including, but
48 not limited to, deliverables, barriers to implementation and costs. The report shall be submitted
49 to the senate and house committees on ways and means, the joint committee on mental health
50 and substance abuse, the executive office of public safety and security, the executive office of
51 health and human services and the governor. The commission shall thereafter produce an annual
52 report, which shall include, but shall not be limited to: a list of services and programs,
53 populations served and financial information.

54 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after
55 section 2YYYY the following section:-

56 Section 2ZZZZ. (a) There is hereby established and set up on the books of the
57 commonwealth a separate fund to be known as the Criminal Justice and Community Support
58 Trust Fund. The fund shall be administered by the executive office of public safety and security,

59 in consultation with the department of mental health, which shall contract with county restoration
60 centers to administer the fund. There shall be credited to the fund any appropriations, grants,
61 gifts or other monies authorized by the general court or other parties and specifically designated
62 to be credited to the fund. The objectives of the fund shall include, but shall not be limited to:
63 supporting jail diversion programs for persons suffering from a mental illness or substance use
64 disorder who interact with law enforcement or the court system during a pre-arrest investigation
65 or the pre-adjudication process in order to divert individuals from lockup facilities and hospital
66 emergency departments to appropriate treatment; developing and providing training for state and
67 municipal law enforcement in evidence-based mental health and substance use crisis response;
68 creating patient-focused ongoing community services for individuals who are frequent users of
69 emergency departments and suffer from serious and persistent mental illness; and providing
70 funding for multi-year restoration center grants for planning and implementing a restoration
71 center within a county in the commonwealth.

72 (b) Monies deposited in the fund that are unexpended at the end of the fiscal year shall
73 not revert to the general fund and shall be available for expenditure in the subsequent year.

74 (c) The fund may apply for and accept subventions, grants, loans, advances and
75 contributions from any source of money, property, labor or other things of value to be held, used
76 and applied in furtherance of this section.

77 (d) The executive office of public safety and security shall file a report to the joint
78 committee on mental health and substance abuse, the joint committee on public safety and
79 homeland security and the senate and house committees on ways and means that detail the fund's
80 activities not later than March 1.

SECTION 3. This act shall take effect upon its passage.