ATTACHMENT I

July 17, 2015

To the Honorable Senate and House of Representatives:

 Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 108 of House Bill No. 3650, “An Act Making Appropriations for the Fiscal Year 2016 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 108 ensures that District Attorneys receive notice of requests to alter court-ordered movement restrictions of patients confined to mental health facilities. This is a positive change in the law, as District Attorneys can provide valuable information to the courts in deciding these requests. However, Section 108 as written eliminates the existing 14-day period during which objections to such requests must be made and leaves the time for making objections indeterminate. Prompt determination of these requests can be vital to patients’ treatment plans.

For this reason, I recommend that Section 108 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 108. Subsection (e) of section 16 of chapter 123 of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:-

In the event the superintendent communicates his intention to remove or modify such restriction in writing to the court and the district attorney who has or had jurisdiction of the criminal case, and within fourteen days of receipt of notice from the superintendent, neither the court nor the district attorney makes written objection thereto, such restrictions shall be removed by the superintendent.

Respectfully submitted,