

614 Massachusetts Ave.
Cambridge, MA 02139

January 25, 1985

TO: Honorable Members of the Cambridge City Council

RE: A Bill to Provide Mandatory Medical Treatment
for Alcoholics

After 7 years of trying to obtain passage of a bill that would assist in providing humane treatment for alcoholics, as well as provide relief to those who are often placed in fear of them, or seriously troubled by said alcoholics, I am very pleased to advise the Honorable Cambridge City Council that my favorite bill to provide mandatory medical treatment for alcoholics was signed into law earlier this month by Governor Michael Dukakis. Seven years is a long time to wait.

I am hopeful that this new law will provide both the police and the courts with sufficient power so that those unfortunates who are unable to care for themselves because of drunkenness, may now be provided with the kind of assistance that they often sorely need.

I would like to express my appreciation to a number of people and groups for the tremendous assistance they gave to me in furthering the passage of this law. They include:

Hon. Lawrence Feloney, Presiding Justice of the Third District Court, who originally wrote the bill, and had it subsequently revised. He also appeared, personally, and testified before the Joint Legislative Judiciary Committee.

City Councillor/Representative Sandra Graham, who graciously and effectively presented the bill for consideration and supported it so well.

Senator Michael LoPresti, who gave his complete support to this bill for passage through the Senate.

Chief of Police Anthony J. Paolillo, who gave encouragement and support.

Sargeant Richard Buongiorno, who so capably testified before the Judiciary Committee on behalf of this bill.

Mr. James J. Caragianes, who also testified before the Judiciary Committee and provided support.

Carl F. Barron, President
Putnam Furn. Leasing
614 Mass. Ave. 354-3358

Paul Corcoran, 1st Vice Pres.
Corcoran & Co.
615 Mass. Ave. 864-3000

Arnold Ginsberg, 2nd Vice Pres.
Rink Realty Co.
727 Mass. Ave. 661-7777

Margaret Adams, Secretary
Dr. Crane's Office
847 Mass. Ave. 876-3025

Susie Karadizian, Treasurer
Charlesbank Trust
671 Mass. Ave. 864-4444

Miss Jill Herold, Assistant City Manager for Social Services, who provided a good deal of liaison work with various governmental agencies and individuals.

Rev. Robert Utter of the Central Square Clergymen's Committee, who appeared before the Joint Judiciary Committee.

Mr. John J. Campbell, a prominent Cambridge businessman, attorney, and lobbyist, who volunteered to testify before the Joint Judiciary Committee.

Captain J. Henry Breen of the Cambridge Police Department, who drafted the outline of the original bill 7 years ago.

The Cambridge City Council, which provided much-needed and helpful support by unanimously voting in favor of this proposed legislation.

Cambridge Chamber of Commerce, whose Board of Directors also voted unanimously to support the proposed legislation.

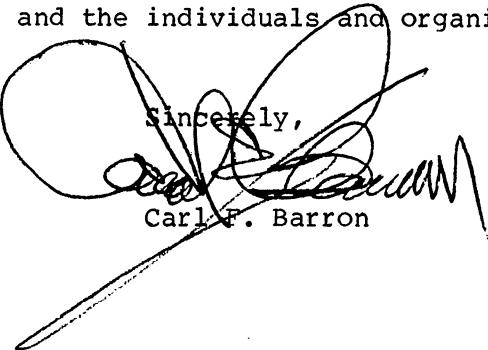
Undoubtedly, there are other individuals whose names I have not mentioned who have also given a great deal of support. I take great pride in the fact that so many diverse people, of varying normal interests, were able to join and participate in the furtherance of this particular bill. I hope that it will provide the care and treatment for the alcoholics that we have hoped that it will do, and assist the entire community.

Lastly, I am most appreciative of the fact that Governor Michael Dukakis signed this bill with the full knowledge and experience of his position in knowing of the problems created today by alcoholism, which is an unfortunate and serious problem.

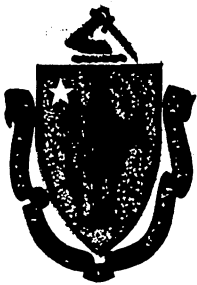
The Central Square Businessmen's Association has completely supported the concept of undertaking this legislation, from its very inception, and I am pleased that I am stubborn enough to continue to try to attain its passage.

My personal thanks for the splendid support of the Cambridge City Council, the various City officials, and the individuals and organizations which gave me help when needed.

Sincerely,


Carl F. Barron

CFB:db



HON. MICHAEL LoPRESTI, JR.
SUFFOLK AND MIDDLESEX DISTRICT

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133
ROOM 213-C
TELS. { 722-1634
722-1635

COMMITTEES:
JUDICIARY (CHAIRMAN)
ETHICS (CHAIRMAN)
INSURANCE

January 23, 1985

Carl Barron
Putnam Furniture Leasing
614 Massachusetts Ave..
Cambridge, MA 02139

Dear Carl:

Enclosed is a copy of the new mandatory alcoholic commitment act, which became law on January seventh. It's a pleasure for me to send you a copy of something you and others, devoted to seeing a better Central Square, worked so long and hard to put over. Without you we couldn't have done the job here.

I look forward to working with you on continued efforts to bring new life to this important part of the Cambridge community.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael LoPresti Jr.", written in a cursive style.

Michael LoPresti Jr.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-four

AN ACT FURTHER REGULATING THE COMMITMENT OF CERTAIN ALCOHOLICS.

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

SECTION 1. The second paragraph of section 35 of chapter 123 of the General Laws is hereby amended by inserting after the third sentence, inserted by section 2 of chapter 643 of the acts of 1973, the following two sentences:- Upon presentation of such a petition, if there is reasonable grounds to believe that such person will not appear and that any further delay in the proceedings would present an immediate danger to the physical well-being of the respondent, said court may issue a warrant for the apprehension and appearance of such person before it. No arrest shall be made on such warrant unless the person may be presented immediately before a judge of the district court.

SECTION 2. The third paragraph of said section 35 of said chapter 123 is hereby amended by striking out the first sentence, as appearing in section 4 of chapter 888 of the acts of 1970, and inserting in place thereof the following sentence:- If, after a hearing, the court based upon competent medical testimony finds that said person is an alcoholic and that there is a likelihood of serious harm as a result of his alcoholism, it may order such person to be committed for a period not to exceed thirty days.

House of Representatives, December 27, 1984.

Passed to be re-enacted,

Thomas W. McGe

, Speaker.

In Senate, December 27, 1984.

Passed to be re-enacted,

William M. Bulger

, President.

January 7, 1985.

Approved,

Richard S. Hahn

Governor.

available and that such person is eligible for care or treatment therein, may commit such person to said Veterans Administration or other agency. The person whose commitment is sought shall be personally served with such notice of the pending commitment proceedings as is required, and in such manner as is provided, by the laws of the commonwealth; and nothing in this section shall affect his right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this commonwealth shall be subject to the rules and regulations of said Veterans Administration or other agency. The chief officer of any facility of said Veterans Administration or institution operated by any other agency of the United States to which the person is so committed shall with respect to such person be vested with the same powers as the department with respect to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the committing or other appropriate court of the commonwealth at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this section are so conditioned.

(c) Upon receipt of a certificate of said Veterans Administration or such other agency of the United States that facilities are available for the care or treatment of any person committed to any facility for the mentally ill or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the department or the committing court may cause the transfer of such person to said Veterans Administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified thereof by the transferring agency. No person shall be transferred to said Veterans Administration or other agency of the United States if he is confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing. Any person transferred as provided in this subsection shall be deemed to be committed to said Veterans Administration or other agency of the United States pursuant to the original commitment.

Added by St. 1970, c. 888, § 4. Amended by St. 1971, c. 575, § 2.

1970 Enactment. This section was derived from § 20A of former c. 123.

1971 Amendment. St. 1971, c. 575, § 2, approved July 29, 1971; added subsecs. (b) and (c).

Cross References. Determination of foreign law, see Mass. R. Civ. P. Rule 44.1.

Law Review Commentaries. Veterans' guardianship. (1944) 29 Mass. L.Q. No. 4, p. 57.

§ 35. Commitment of alcoholics; petition; warrant of arrest; hearing; right to counsel; medical examination; findings; order; care and treatment; facilities; release.

For the purpose of this section, "alcoholic" shall mean a person who chronically or habitually consumes alcoholic beverages to the extent that (1) such use substantially injures his health or substantially interferes with his social or economic functioning, or (2) he has lost the power of self-control over the use of such beverages.

Any police officer, physician, spouse, blood relative or guardian may petition in writing any district court for an order of commitment of a person whom he has reason to believe is an alcoholic. Upon receipt of a petition for an order of commitment of a person and any sworn statements the court may request from the petitioner, the court shall immediately schedule a hearing on the petition and shall cause a summons and a copy of the application to be served upon the person in the manner provided by section twenty-five of chapter two hundred and seventy-six. In the event of the person's failure to appear at the time summoned, the court may issue a warrant for the person's arrest. The person shall have the right to be represented by legal counsel and may present independent expert or other testimony. If the court finds the person indigent, it shall immediately appoint counsel. The court shall order examination by a qualified physician.

If, after a hearing, the court based upon competent medical testimony finds that said person is an alcoholic and that there is a likelihood of serious harm as a result of his alcoholism, it may order such person to be committed for a period not to exceed fifteen days. Such commitment shall be for the purpose of inpatient care in public or private facilities approved by the department of public health under the provisions of chapter one hundred and eleven B for the care and treatment of alcoholism. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, provided that there are no suitable facilities available under chapter one hundred and eleven B; and provided, further, that the person so committed shall be housed and treated separately from convicted criminals. A person so committed may be released prior to the expiration of the period of commitment upon determination by the superintendent that release of said person will not result in a likelihood of serious harm. Said person shall be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purposes. The department of mental health, in conjunction with the department of public health, shall maintain a roster of public and private facilities available, together with the number of beds currently available, for the care and treatment of alcoholism and shall make it available to the district courts of the commonwealth on a monthly basis.

Nothing in this section shall preclude any public or private facility for the care and treatment of alcoholism, including the separated facilities at the Massachusetts correctional institutions at Bridgewater and Framingham, from treating persons on a voluntary basis.

Added by St. 1970, c. 888, § 4. Amended by St. 1971, c. 1076, § 4; St. 1973, c. 643, §§ 1, 2.

1970 Enactment. This section was derived from §§ 62, 68 and 80 of former c. 123, as amended by St. 1969, c. 889, §§ 9, 11, 14.

1971 Amendment. St. 1971, c. 1076, § 4, approved Nov. 12, 1971, and by § 22 made effective July 1, 1972, substituted, in the second sentence of the third paragraph, the words "under the provisions of chapter one hundred and eleven B" for "or the department of mental health"; substituted, in the third sentence of the third paragraph, the words "under chapter one hundred and eleven B" for "elsewhere in which the superintendent can offer adequate and appropriate care and treatment and agrees to admit such person".

1973 Amendment. St. 1973, c. 643, §§ 1, 2, approved Aug. 17, 1973, modified the second

15.

S-83

Comm. from Carl F. Barron, Central Square
Assoc. Re: a Bill to Provide Mandatory
Medical Treatment for Alcoholics.

In City Council,

January 28, 1985

1/28/85

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ON
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