

SENATE No. 1597

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act establishing uniform standards for bail proceedings..

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 58 of chapter 276 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out the last sentence of the first paragraph.

3 SECTION 2. Said chapter 276 is hereby amended by inserting after section 58 the
4 following section:-

5 Section 58 ½. If the justice of the superior court, or district court, or juvenile court, the
6 master in chancery, or the bail commissioner determines that cash bail is required, the defendant
7 shall be allowed to provide an equivalent amount in a surety bond. Further, the amount of bail
8 set whether in either cash or surety shall be the same.

9 The judge or other authorized court personnel shall set the amount of bail but the
10 defendant shall have the right to make the choice of how the bail should be paid, which could be
11 either by cash or corporate surety.

12 SECTION 3. Section 80 of chapter 276 of the General Laws, as appearing in the 2004
13 Official Edition is hereby amended by adding to the end thereof the following language:- All

14 such monies so deposited with the state treasurer shall be kept in a separate account by said
15 treasurer and annually transferred to the victim and witness assistance fund established by
16 section forty-nine of chapter ten and so far as possible to be used to compensate or reimburse any
17 victim of a crime perpetrated by a person whose bail or surety bond has been defaulted under this
18 section.

19 SECTION 4. Upon passage of this act, the chief justice of the superior court, the chief
20 justice of the district court, and the chief justice of the juvenile court shall provide notification to
21 all court personnel under their jurisdiction involved in the bail proceeding as to the new uniform
22 standards and requirements for acceptance of surety as set forth in this act. Said notification
23 shall inform all related personnel on how the uniform policy impacts their role in accepting bail
24 and instruct those involved in bail proceedings as to the absolute requirement imposed for
25 acceptance of surety as an equivalent to cash in the trial courts of the commonwealth.