

SENATE No. 2265

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act to improve juror service responses.

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 4 of chapter 234A of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words “the juror
3 confirmation form” and inserting in place thereof the following words: - a juror summons
4 response.

5 SECTION 2. Section 21 of said chapter 234A, as so appearing, is hereby amended by
6 striking out, in line 5, the words “, and an alternate month, day, and year,”.

7 SECTION 3. Section 22 of said chapter 234A, as so appearing, is hereby amended by
8 striking out the first sentence and inserting in place thereof the following sentence:- The office
9 of the jury commissioner shall provide a confidential juror questionnaire to each prospective
10 juror.

11 SECTION 4. Said chapter 234A is hereby further amended by striking out sections 24 to
12 26, inclusive, as so appearing, and inserting in place thereof the following 3 sections:-

13 Section 24. Every grand or trial juror shall respond to the juror summons within 10 days
14 of receipt. The office of jury commissioner shall provide a means for the juror to respond. If the
15 juror is unable to complete and sign the response, the juror may authorize another person to
16 complete and sign the response on his behalf. A notice of the juror's duty to respond to the
17 summons within 10 days after receipt thereof shall appear prominently on the face of the juror
18 summons. Grand and trial jurors may confirm their service by any other means approved by the
19 jury commissioner including, but not limited to, telephonic and electronic means, and such
20 confirmation shall be as valid and binding as if it were made in writing.

21 Section 25. A grand or trial juror from whom the office of jury commissioner has not
22 received a response to the juror summons by the eighth week preceding the term of service for
23 which the juror was summoned shall be summoned a second time. The second summons shall
24 have the same content and form as the first summons, except the words "Second Summons" shall
25 appear prominently on the face of the summons. The second summons shall be sent by first-class
26 or registered mail or served by a sheriff or constable. A juror who receives a second summons
27 shall respond to the second summons within 5 days after receipt thereof by any of the means set
28 forth in section 24.

29 Section 26. On or before the sixth week preceding any term of grand or trial juror
30 service, the office of jury commissioner may summon additional grand or trial jurors if it appears
31 from the responses to the juror summonses that the number of previously summoned jurors who
32 will report for service will be inadequate for the needs of the court. A juror who is summoned
33 under this section shall respond to the juror summons within 10 days after receipt thereof. A
34 grand or trial juror summoned under this section from whom the office of jury commissioner has
35 not received a response to the juror summons by the third week preceding the term of service for

36 which he was summoned shall be summoned a second time. The second summons shall have the
37 same content and form as the first summons, except the words “Second Summons” shall appear
38 prominently on the face of the summons. The second summons shall be sent by first-class mail
39 or registered mail or served by a sheriff or constable. A juror who receives a second summons
40 shall respond to the second summons within 5 days after receipt thereof by the any of the means
41 set forth in section 24.

42 SECTION 5. Said chapter 234A is hereby further amended by striking out section 34, as
43 so appearing, and inserting in place thereof the following section:-

44 Section 34. A trial juror shall have the right to 1 postponement of his term of juror
45 service, but for not more than 1 year. The trial juror must exercise this right by responding to the
46 juror summons and indicating an election to postpone. The month, day and year to which such
47 service is to be postponed shall be indicated in the response to the juror summons. The office of
48 jury commissioner shall have authority to effectuate such first postponements. If the
49 postponement date so designated is improper, unavailable or inconvenient for the court, the
50 office of jury commissioner shall assign a date of service which is reasonably close to the
51 postponement date selected by the trial juror. The jury commissioner, with the approval of the
52 jury management advisory committee, shall have discretionary authority to limit the number of
53 postponements allowed each day in each courthouse in order to maintain the integrity of the
54 demographic cross sections appearing in the juror pools.

55 SECTION 6. Section 36 of said chapter 234A, as so appearing, is hereby amended by
56 striking out, in lines 1 and 2, the words “the juror confirmation form” and inserting in place
57 thereof the following words:- a response to a juror summons.