SENATE DOCKET, NO. 627 FILED ON: 1/18/2017

SENATE . . . . . No. 771

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act improving juror service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	*Second Suffolk and Middlesex*

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SENATE . . . . . No. 771

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 771) of William N. Brownsberger for legislation to improve juror service. The Judiciary.

The Commonwealth of Massachusetts

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

An Act improving juror service.

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. Section 4 of chapter 234A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 9, the words "the juror confirmation form" and inserting in place thereof the following words:- a juror summons response.

SECTION 2. Section 19 of said chapter 234A, as so appearing, is hereby amended by adding, in line 15, after the word "commissioner" the following sentences:- The jury commissioner may use a postcard summons for purposes of summoning grand and trial jurors. A postcard summons shall be considered an official juror summons for purposes of this chapter.

SECTION 3. Section 20 of chapter 234A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The office of jury commissioner shall provide a notice of qualifications for juror service to each juror summoned under the provisions on this chapter.

SECTION 4. Section 21 of chapter 234A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Enclosed with a juror summons shall be a juror confirmation form; provided, however, no juror confirmation form shall be enclosed with a postcard summons.

SECTION 5. Section 21 of chapter 234A, as so appearing, is further amended by striking out, in lines 5 and 6, the words, ", and an alternate month, day, and year,".

SECTION 6. Section 22 of said chapter 234A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The office of jury commissioner shall provide a confidential juror questionnaire to each prospective juror.

SECTION 7. Said chapter 234A is hereby further amended by striking out sections 24 to 26, inclusive, as so appearing, and inserting in place thereof the following 3 sections:-

Section 24. Each grand and trial juror shall respond to the postcard summons, within 10 days of receipt. The office of jury commissioner shall provide a means for the juror to respond. If the juror is unable to complete and sign the response, the juror may authorize another person to complete and sign the response on his behalf. A notice of the juror's duty to respond to the summons within 10 days of receipt thereof shall appear prominently on the face of the postcard summons. The office of jury commissioner shall send a juror summons by first-class mail to each grand and trial juror from whom the office of jury commissioner has not received a postcard summons response by the twelfth week preceding the term of service for which the juror was summoned. Each grand and trial juror shall respond to the juror summons, within 10 days of receipt. The office of jury commissioner shall provide a means for the juror to respond. If the juror is unable to complete and sign the response, the juror may authorize another person to

complete and sign the response on his behalf. A notice of the juror's duty to respond to the summons within 10 days of receipt thereof shall appear prominently on the face of the juror summons. Grand and trial jurors may confirm their service by any other means approved by the jury commissioner including, but not limited to, telephonic and electronic means, and such confirmation shall be as valid and binding as if it were made in writing.

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

Section 26. On or before the sixth week preceding any term of grand or trial juror service, the office of jury commissioner may summon additional grand or trial jurors, in the manner set forth in sections 19 and 24 of this chapter, if it appears from the responses to the juror summonses that the number of previously summoned jurors who will report for service will be inadequate for the needs of the court. A juror who is summoned under this section shall respond to the juror summons within 10 days of receipt thereof by any of the means set forth in section 24. Each grand and trial juror summoned under this section from whom the office of jury commissioner has not received a response to the juror summons by the third week preceding the term of service for which the juror was summoned shall be summoned a final time. The final summons shall have the same content and form as the juror summons, except the words "Final

Summons" shall appear prominently on the face of the summons. The final summons shall be sent by first-¬class mail, registered mail, or served by a sheriff or constable. A juror who receives a final summons shall respond to the final summons within 5 days of receipt thereof by the any of the means set forth in section 24.

SECTION 8. Section 34 of chapter 234A, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentences:- The trial juror must exercise this right by responding to the juror summons and indicating an election to postpone. The month, day and year to which such service is to be postponed shall be indicated in the response to the juror summons.

SECTION 9. Section 34 of chapter 234A, as so appearing, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- If the postponement date so designated is improper, unavailable, or inconvenient for the court, the office of jury commissioner shall assign a date of service which is reasonably close to the postponement date selected by the trial juror.

SECTION 10. Section 36 of said chapter 234A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "the juror confirmation form" and inserting in place thereof the following words:- a response to a juror summons.

SECTION 11. Section 36 of chapter 234A, as so appearing, is further amended by striking out, in lines 3 and 4, the words, "the office of jury commissioner shall send a notice to the juror by first class mail" and inserting in place thereof the following words:- the office of jury commissioner shall provide notice to the juror.

SECTION 12. Section 44 of chapter 234A, as so appearing, is hereby amended by striking out in lines 23 and 24 the sentence “The office of jury commissioner shall send a copy of this application to the juror by first-class or certified mail.” and replacing it with the following sentence: - The juror shall be provided with notice of hearing on any application for criminal complaint.

SECTION 13. Section 58 of chapter 234A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentences:- The office of jury commissioner shall provide juror service certificates to all grand and trial jurors who perform juror service. Such certificates shall be provided no later than 14 days after the last business day of each week in which a grand or trial juror performs jury service.

SECTION 14. Section 59 of chapter 234A, as so appearing, is hereby amended by striking out the third, fourth and fifth sentences and inserting in place thereof the following sentences:- The office of jury commissioner may prepare and mail these checks. The comptroller of the commonwealth may establish a separate account for juror compensation and reimbursement under this chapter. The office of jury commissioner may draw upon this account for all checks issued under this section.

SECTION 15. Section 62 of chapter 234A, as so appearing, is hereby amended by striking out, in line 2, the words “mail to” and inserting in place thereof the following word - “provide”.

SECTION 16. Section 62 of chapter 234A, as so appearing, is hereby amended by striking out in lines 7 and 8 the words “The handbook shall contain” and inserting in place thereof the following words:- “The office of jury commissioner shall provide”.

SECTION 17. Section 62 of chapter 234A, as so appearing, is hereby amended by striking out in line 23 the words “mail to” and inserting in place thereof the following word - “provide”.