

HOUSE No. 1366

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral and Bruce E. Tarr

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 relative to transparency in clerk magistrate hearings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/17/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/17/2019</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/31/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/1/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/25/2019</i>

HOUSE No. 1366

By Representative Cabral of New Bedford and Senator Tarr, a joint petition (accompanied by bill, House, No. 1366) of Antonio F. D. Cabral, Bruce E. Tarr and others relative to transparency in clerk magistrate hearings. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to transparency in clerk magistrate hearings.

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 35A of chapter 218, of the General Laws, is hereby amended by adding the
2 following paragraph:-

3
4 "Any hearing held pursuant to this section, and any record associated with such hearing,
5 shall be presumed to be open to the public unless the court, or said officer thereof, makes a
6 written finding, for good cause shown, that the defendant's interest in privacy outweighs the
7 public's right of access. Any such finding shall be made only after a hearing on the record, in
8 which the court may permit an interested non-party, who files a notice of appearance limited to
9 participation in the proceeding, to be heard. Any such finding shall state with specificity the
10 reason for closing the hearing and shall be narrowly tailored to said reason. All hearings held
11 pursuant to this section shall be taken stenographically or recorded and transcribed."