

SENATE No. 828

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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 jury instruction in criminal proceedings.

PETITION OF:

NAME:

Joseph A. Boncore

DISTRICT/ADDRESS:

First Suffolk and Middlesex

SENATE No. 828

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 828) of Joseph A. Boncore for legislation relative to jury instruction in criminal proceedings. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to jury instruction in criminal 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. Chapter 234A of the General Laws is hereby amended by inserting after
2 Section 70 the following section:-

3 Section 70A. In all criminal proceedings the court shall inform the jury of its right to
4 judge the facts and the application of the law in relation to the facts in controversy. Upon motion
5 of the defendant or the defendant's attorney, the court shall instruct the jury as follows: "If you
6 have a reasonable doubt as to whether the state has proved any one or more of the elements of
7 the crime charged, you must find the defendant not guilty. However if you find that the state has
8 proved all the elements of the offense charged beyond a reasonable doubt, you should find the
9 defendant guilty. Even if you find that the state has proved all of the elements of the offense
10 charged beyond a reasonable doubt, you may still find that based upon the facts of this case a
11 guilty verdict will yield an unjust result, and you may find the defendant not guilty."