

SENATE No. 910

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo

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 court proceedings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/22/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/31/2019</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>9/9/2019</i>

SENATE No. 910

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 910) of Viriato M. deMacedo, Julian Cyr, Bruce E. Tarr and Donald F. Humason, Jr. for legislation relative to transparency in court proceedings. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to transparency in court 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 35A of Chapter 218 of the General Laws as appearing in the 2016
2 Official Edition is hereby amended by inserting at the end thereof the following paragraph:-
3 "All hearings held pursuant to this section, and all records associated with such hearings,
4 shall be presumed to be open to the public, unless the court or said officers referred to above
5 make a written finding, for good cause shown and in accordance with applicable statutes and
6 precedents, that the defendant's interest in privacy outweighs the public's right of access. Any
7 such finding shall be made only after a hearing on the record, in which the court may, in its
8 discretion, permit an interested nonparty who files a notice of appearance limited to participation
9 in the proceeding to be heard. Any such finding shall state with specificity the reason for closing
10 the hearing and shall be narrowly tailored so as not to exceed the stated reason. All hearings held
11 pursuant to this section shall be recorded."