

**HOUSE . . . . . No. 1476**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Antonio F. D. Cabral*

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*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 improving the administration and efficiency of the judicial system.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/19/2021</i>

**HOUSE . . . . . No. 1476**

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1476) of Antonio F. D. Cabral relative to improving the administration and efficiency of the judicial system. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to improving the administration and efficiency of the judicial system.

*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 58 of chapter 276 of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by:—

3 (a) striking out, in lines 174-175, the words “by telephone” and inserting in place thereof  
4 the following words:- “by writing delivered in hand or by facsimile or electronic transmission  
5 that same day”;

6 (b) striking out, in lines 194-201, the words:-

7 “on the same day the petition shall have been filed, unless the district court or the  
8 detaining authority shall determine that such appearance and hearing on the petition cannot  
9 practically take place before the adjournment of the sitting of said superior court for that day and  
10 in which event, the petitioner shall be caused to be brought before said court for such hearing  
11 during the morning of the next business day of the sitting of said superior court”

12 and inserting in place thereof the following words:-

13 “on the third business day of the sitting of said superior court after the petition shall have  
14 been filed, unless said superior or district court orders otherwise for good cause shown”;

15 (c) striking out, in lines 212-223, inclusive, the eighth paragraph and inserting in place  
16 thereof the following paragraph:-

17 “The justice of the superior court shall review the order of the district court and the  
18 reasons given by the district court. Unless the justice of the superior court determines that the  
19 district court committed a clear error of law or fact, or set a clearly excessive bail, the justice  
20 shall remand the prisoner in accordance with the terms of the process by which he was ordered  
21 committed by the district court. If the justice of the superior court determines that the district  
22 court committed a clear error of law or fact, or set a clearly excessive bail, the justice shall  
23 consider the standards set forth in the first paragraph of this section and may order that the  
24 petitioner be released on bail on his personal recognizance without surety, or, in his discretion,  
25 make any other order of bail or recognizance. If the justice of the superior court finds the district  
26 court made a clear error of law or fact, or set a clearly excessive bail, he shall put his decision  
27 and the reasons for any reduction or increase in writing.”; and

28 (d) inserting, in line 165-166, after the words “reasonably possible”, a paragraph break.

29 SECTION 2. Subsection (4) of section 58A of chapter 276, as so appearing, is hereby  
30 amended by striking out, in line 113, the words “held under arrest for” and inserting in place  
31 thereof the following words:- “charged with”.

32 SECTION 3. Chapter 278 of the General Laws, as so appearing, is hereby amended by  
33 striking out section 1, and inserting in place thereof the following section:-

34 “Section 1. The district attorney in each district shall, in the exercise of the district  
35 attorney’s sole responsibility and discretion, determine what criminal cases are to be tried and  
36 prioritize the order of those trials, notwithstanding any other statute or rule of court. At the  
37 beginning of each monthly court session, the district attorney shall deposit with the clerk, for the  
38 inspection of parties, a list of all such cases to be tried at that session. The cases shall be tried in  
39 the order of such trial list, unless otherwise agreed by the parties or ordered by the court upon  
40 motion of a party and for cause shown. Cases may be added to such list by agreement of the  
41 parties or if ordered by the court upon motion of the district attorney or of the defendant.

42 No criminal case shall proceed to trial unless the district attorney so moves; the court  
43 shall have no authority to order a case to trial over the objection of the district attorney or upon  
44 his refusal to move for trial. No case may be dismissed because of the district attorney's failure  
45 or refusal to move for trial. No case shall be dismissed on grounds of timeliness of prosecution  
46 except upon a judicial finding that the Commonwealth has violated the defendant’s right to a  
47 speedy trial under the Sixth Amendment to the United State Constitution, art. XI of the  
48 Declaration of Rights of the Massachusetts Constitution, or Rule 36 (b) of the Massachusetts  
49 Rules of Criminal Procedure.”.