HOUSE DOCKET, NO. 3281 FILED ON: 1/17/2025

HOUSE . . . . . No. 1868

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 requiring only a justice to remove a trial default of a defendant who fails to appear at trial.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Christopher M. Markey	*9th Bristol*	*1/17/2025*

HOUSE DOCKET, NO. 3281 FILED ON: 1/17/2025

HOUSE . . . . . No. 1868

By Representative Markey of Dartmouth, a petition (accompanied by bill, House, No. 1868) of Christopher M. Markey relative to the removal of a trial default of defendants who fail to appear at trial. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1668* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act requiring only a justice to remove a trial default of a defendant who fails to appear at trial.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 276 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended in section 29, after paragraph 3 by adding the following paragraph:-

"A person who is arrested as a result of a trial default warrant, shall only be subject to bail by a justice in the issuing court or a justice in the district in which such warrant was executed, and prior to any release such person may be required to pay all or a portion of any cost imposed by the issuing justice, unless remitted by the presenting justice. Such type of trial default warrant shall be distinctly and separately identified as “Trial Default Warrant” on the docket sheet and in Criminal Offender Registration Index, and in the Massachusetts Warrant System (MWS). A “Trial Default Warrant” is a default warrant issued by a justice, on the day a

10 person is scheduled to appear in court for a trial and such person fails to appear for trial, and the
11 Commonwealth provides a list of witnesses who have appeared with a certification that the
12 Commonwealth was ready for trial, and such failure to appear is without justifiable excuse. Such
13 certification of the Commonwealth must be placed with the clerk on the day of the warrant is
14 issued."