SENATE DOCKET, NO. 1553 FILED ON: 1/21/2011

SENATE . . . . . No. 752

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 improving juror service responses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	

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SENATE . . . . . No. 752

By Ms. Creem, a petition (accompanied by bill, Senate, No. 752) of Cynthia S. Creem for legislation to improve juror service responses. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2265* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act improving juror service responses.

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

SECTION 1. Section 4 of chapter 234A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words "the juror confirmation form" and inserting in place thereof the following words: - ¬a juror summons response.

SECTION 2. Section 21 of said chapter 234A, as so appearing, is hereby amended by striking out, in line 5, the words ", and an alternate month, day, and year,".

SECTION 3. Section 22 of said chapter 234A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The office of jury commissioner shall provide a confidential juror questionnaire to each prospective juror.

11 SECTION 4. Said chapter 234A is hereby further amended by striking out
12 sections 24 to 26, inclusive, as so appearing, and inserting in place thereof the following 3
13 sections:¬-

14 Section 24. Every grand or trial juror shall respond to the juror summons within
15 10 days of receipt. The office of jury commissioner shall provide a means for the juror to
16 respond. If the juror is unable to complete and sign the response, the juror may authorize another
17 person to complete and sign the response on his behalf. A notice of the juror's duty to respond to
18 the summons within 10 days of receipt thereof shall appear prominently on the face of the juror
19 summons. Grand and trial jurors may confirm their service by any other means approved by the
20 jury commissioner including, but not limited to, telephonic and electronic means, and such
21 confirmation shall be as valid and binding as if it were made in writing.

22 Section 25. A grand or trial juror from whom the office of jury commissioner
23 has not received a response to the juror summons by the eighth week preceding the term of
24 service for which the juror was summoned shall be summoned a second time. The second
25 summons shall have the same content and form as the first summons, except the words "Second
26 Summons" shall appear prominently on the face of the summons. The second summons shall be
27 sent by first-¬class mail, registered mail, or served by a sheriff or constable. A juror who
28 receives a second summons shall respond to the second summons within 5 days of receipt
29 thereof by any of the means set forth in section 24.

30 Section 26. On or before the sixth week preceding any term of grand or trial
31 juror service, the office of jury commissioner may summon additional grand or trial jurors if it
32 appears from the responses to the juror summonses that the number of previously summoned

33 jurors who will report for service will be inadequate for the needs of the court. A juror who is
34 summoned under this section shall respond to the juror summons within 10 days of receipt
35 thereof. A grand or trial juror summoned under this section from whom the office of jury
36 commissioner has not received a response to the juror summons by the third week preceding the
37 term of service for which he was summoned shall be summoned a second time. The second
38 summons shall have the same content and form as the first summons, except the words "Second
39 Summons" shall appear prominently on the face of the summons. The second summons shall be
40 sent by first-¬class mail, registered mail, or served by a sheriff or constable. A juror who
41 receives a second summons shall respond to the second summons within 5 days of receipt
42 thereof by the any of the means set forth in section 24.

43 SECTION 5. Said chapter 234A is hereby further amended by striking out
44 section 34, as so appearing, and inserting in place thereof the following section:-¬

45 Section 34. A trial juror shall have the right to one postponement of his term of
46 juror service for not more than one year. The trial juror must exercise this right by responding to
47 the juror summons and indicating an election to postpone. The month, day and year to which
48 such service is to be postponed shall be indicated in the response to the juror summons. The
49 office of jury commissioner shall have authority to effectuate such first postponements. If the
50 postponement date so designated is improper, unavailable, or inconvenient for the court, the
51 office of jury commissioner shall assign a date of service which is reasonably close to the
52 postponement date selected by the trial juror. The jury commissioner, with the approval of the
53 jury management advisory committee, shall have discretionary authority to limit the number of
54 postponements allowed each day in each courthouse in order to maintain the integrity of the
55 demographic cross-sections appearing in the juror pools.

56 SECTION 6. Section 36 of said chapter 234A, as so appearing, is hereby

57 amended by striking out, in lines 1 and 2, the words “the juror confirmation form” and inserting

58 in place thereof the following words:¬- a response to a juror summons.