

By Mr. Sigourney of Nahant, petition of Andre R. Sigourney for legislation to protect trial by jury from influence by the divulgence, broadcast or publication of certain information. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT PROTECTING TRIAL BY JURY FROM INFLUENCE BY THE DIVULGENCE, BROADCAST OR PUBLICATION OF CERTAIN INFORMATION.

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

1 Chapter 268 of the General Laws is hereby amended by  
2 adding the following section:—

3 *Section 39.* No officer of the court shall divulge to any  
4 publisher, its agents, servants, or employees, and no pub-  
5 lisher, its agents, servants, or employees shall publish or  
6 broadcast or cause to be published or broadcast during any  
7 criminal proceeding where the right of trial by jury exists,  
8 the following information:

9 (a) That a defendant has confessed to any crime of which  
10 he may be convicted in such criminal proceeding;

11 (b) The contents of any such confession or part thereof;

12 (c) That a defendant in such criminal proceeding has ever  
13 been suspected, accused, arrested, indicted, convicted, or ac-  
14 quitted of the commission of another crime unrelated to such  
15 criminal proceedings.

16 (d) Transcripts, reports, or summaries of occurrences which  
17 take place during the course of a criminal proceeding from  
18 which the jury has been excluded by the presiding justice.

19 The publication or broadcast of any of the foregoing infor-  
20 mation shall be presumed to be prejudicial to the defendant's  
21 right to a fair and impartial trial by jury.

22 The provisions of this section shall apply from the time a  
23 defendant in such criminal proceeding is arrested until the  
24 verdict of the jury is returned. If a retrial is ordered it shall  
25 apply from the time the retrial is ordered until the verdict  
26 of the jury is returned.

27 The provisions of this section shall not apply after (a)  
28 defendant has waived his right to a jury trial, or (b) the sub-  
29 ject matter of the divulgence, publication, or broadcast has  
30 been admitted in evidence, or (c) such criminal proceedings  
31 have been dismissed.

32 It shall be no defense to a prosecution under this section  
33 that a statement, information, opinion, publication, broad-  
34 cast, or divulgence was issued without intent to prejudice the  
35 trial or is true.

36 "Officer of the court" as used in this section shall include  
37 members of the bar, including public office holders and prose-  
38 cutors, court officers, clerks of court including assistants, sheriffs,  
39 their deputies and subordinates, and all police officers.

40 "Publisher", as used in this section shall include newspaper,  
41 book, periodical and magazine publishers, radio, television  
42 stations and broadcasters, and any other person, partnership  
43 or corporation which publishes or broadcasts any statement,  
44 information, or opinion in violation of this section.

45 Whoever violates any provisions of this section shall be  
46 punished by a fine of not more than five hundred dollars or  
47 imprisonment in jail for thirty days, or both.