

# HOUSE . . . . . No. 2721

By Mr. Linsky of Brookline, petition of Martin A. Linsky, John F. St. Cyr, Jerome A. Segal, Francis W. Hatch, Jr., and Winston Healy for legislation to make permanent the law providing for personal recognizance instead of bail for persons charged with certain offences under the jurisdiction of the district courts. The Judiciary.

## The Commonwealth of Massachusetts

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

AN ACT MAKING PERMANENT THE LAW PROVIDING FOR PERSONAL RECOGNIZANCE INSTEAD OF BAIL FOR PERSONS CHARGED WITH CERTAIN OFFENCES UNDER THE JURISDICTION OF THE DISTRICT COURTS.

*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 218 of the General Laws is hereby amended by  
2 inserting after section 26 the following section:—

3 *Section 26A.* Any person charged with an offence under the  
4 jurisdiction of the district courts as described in section  
5 twenty-six of chapter two hundred and eighteen of the  
6 General Laws shall, at his appearance before a justice or a  
7 clerk of the district court, a bail commissioner or master in  
8 chancery, be ordered released pending trial on his personal  
9 recognizance unless said justice, clerk, bail commissioner or  
10 master in chancery determines in the exercise of his discretion  
11 that such a release will not reasonably assure the appearance  
12 of the person as required. In his determination, said justice,  
13 clerk, bail commissioner or master in chancery shall, on the  
14 basis of available information, take into account the nature  
15 and circumstances of the offence charged, the accused's  
16 family ties, financial resources, character and mental condi-  
17 tion, the length of residence in the community, his record of

18 convictions and appearances at court proceedings, or of any  
19 previous flight to avoid prosecution, or any previous failure  
20 to appear at any court proceedings. Said justice, clerk, bail  
21 commissioner or master in chancery authorizing the release of  
22 a person on recognizance under this act shall inform such  
23 person of the penalties provided by section eighty-two A of  
24 chapter two hundred and seventy-six of the General Laws if  
25 such person fails without sufficient excuse to appear per-  
26 sonally at the specified time and place. Any person found  
27 guilty by a district court who appeals from such finding shall,  
28 subject to the foregoing provisions, be released on his per-  
29 sonal recognizance pending disposition in the superior  
30 court.

31 Any person aggrieved by the refusal of said justice, clerk,  
32 bail commissioner or master in chancery to authorize his  
33 release on recognizance under this act may petition the  
34 superior court for review of such decision. Such petition shall  
35 be filed in the superior court for the county in which said  
36 district court is located and may, if a justice of the superior  
37 court is not sitting in said county, be heard by a justice of the  
38 superior court sitting in any county. Said petition shall have  
39 priority over any other matter before such justice and he  
40 shall, if he finds that such person should be released on his  
41 personal recognizance, order such release.