

By Mr. Flaherty of Boston, petition of Michael F. Flaherty and another that provision be made for the removal of the requirement of judicial approval of administrative activities of district attorneys. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Four.

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AN ACT TO REMOVE THE REQUIREMENT OF JUDICIAL APPROVAL OF ADMINISTRATIVE ACTIVITIES OF DISTRICT ATTORNEYS.

*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 18 of chapter 12 of the General Laws, as  
2 most recently amended by section 7 of chapter 478 of the acts of  
3 1978, is hereby amended by striking out the first sentence and  
4 inserting in place thereof the following sentence: — If there is no  
5 assistant district attorney, the district attorney may employ a clerk  
6 to aid him; and in the northern, eastern, middle, Norfolk Plym-  
7 outh, Berkshire, Hampden and northwestern districts, the district  
8 attorney may appoint, for the sitting at which the appointment is  
9 made, a competent person to act as an assistant to the district at-  
10 torney.

1 SECTION 2. Section 19 of chapter 12 of the General Laws, as  
2 most recently amended by section 8 of chapter 478 of the acts of  
3 1978, is hereby amended by striking out the first sentence and  
4 inserting in place thereof the following sentence: — The district  
5 attorney for the Suffolk district may appoint a messenger and such  
6 stenographers, telephone operators and other office assistants as in  
7 his opinion the interests of the commonwealth require.

1 SECTION 3. Said chapter 12 of the General Laws is hereby  
2 further amended by striking out section 20, as appearing in section  
3 9 of chapter 478 of the acts of 1978, and inserting in place thereof  
4 the following section: —

5     *Section 20.* The district attorneys may each employ additional  
6 legal assistants. The length of time of such employment shall in no  
7 instance exceed six months. The amount of compensation shall be  
8 determined by the district attorney providing that for legal assist-  
9 ants who devote their entire time to the duties of legal assistants  
10 and do not, either directly or indirectly, engage in the private  
11 practice of law said compensation shall in no instance exceed ten  
12 thousand dollars and for part-time legal assistants shall in no  
13 instance exceed five thousand dollars. Such compensation shall be  
14 paid, subject to appropriation, by the commonwealth upon presen-  
15 tation of bills approved by the district attorney. In matters con-  
16 nected with the work for which he is so employed a legal assistant  
17 shall have all the powers and authority of an assistant district  
18 attorney.

1     SECTION 4. Section 22 of chapter 12 of the General Laws, as  
2 most recently amended by section 10 of chapter 478 of the acts of  
3 1978, is hereby amended by striking out the first sentence and  
4 inserting in place thereof the following sentence: — The district  
5 attorney for the Northern, Norfolk and Plymouth districts may  
6 employ persons for clerical or stenographic work and may remove  
7 them at his pleasure.

1     SECTION 5. Section 23 of chapter 12 of the General Laws, as  
2 most recently amended by section 10 of chapter 478 of the acts of  
3 1978, is hereby amended by striking the words “a justice of the  
4 superior court” from the first and second sentences and inserting in  
5 place thereof the words “district attorney”.

1     SECTION 6. Section 24 of chapter 12 of the General Laws, as  
2 most recently amended by section 10 of chapter 478 of the acts of  
3 1978, is hereby amended by striking the words “the proper perfor-  
4 mance of his duty, otherwise upon the approval of a justice of the  
5 superior court.” and inserting in place thereof the words, “the  
6 proper performance of his duty.”.