

SECTION 2. The second paragraph of said section 96B of said chapter 41, added by chapter 742 of the acts of 1968, is hereby amended by striking out, in line 4, the word "municipal" and inserting in place thereof the word: — Massachusetts.

SECTION 3. Section 17 of chapter 6 of the General Laws is hereby amended by striking out, in line 15, as appearing in section 1 of chapter 535 of the acts of 1966, the word "municipal" and inserting in place thereof the word: — Massachusetts.

SECTION 4. Said chapter 6 is hereby further amended by striking out the caption "MUNICIPAL POLICE TRAINING COUNCIL", preceding section 116, and inserting in place thereof the following caption: — MASSACHUSETTS POLICE TRAINING COUNCIL.

SECTION 5. The first sentence of said section 116 of said chapter 6, as appearing in chapter 468 of the acts of 1967, is hereby amended by striking out, in line 2, the word "municipal" and inserting in place thereof the word: — Massachusetts.

*Approved May 6, 1969.*

**Chap. 253.** AN ACT PROVIDING FOR THE SPEEDY TRIAL OF A MISDEMEANOR BY A JURY OF SIX IN THE DISTRICT COURT OF LOWELL.

*Be it enacted, etc., as follows:*

SECTION 1. A defendant in any district court of Middlesex county, except the first district court of northern Middlesex, the fourth district court of eastern Middlesex and the district court of Lowell, who is found guilty of a violation of a by-law, order, ordinance, rule or regulation made by a city or town or public officer or of any other misdemeanor, except libel, may appeal and claim a jury of six in the third district court of eastern Middlesex, and a defendant in said first district court of northern Middlesex, the fourth district court of eastern Middlesex, or the district court of Lowell, found guilty of such violation or such misdemeanor may appeal and claim a jury of six in the district court of Lowell. Such claim of appeal shall be in writing and shall constitute a waiver of any claim of appeal to a trial by a jury in the superior court or other disposition in said superior court.

Any defendant found guilty in any district court of Middlesex county of a violation of any of the offenses set forth in the first paragraph who has appealed to the superior court may, at any time before trial on such appeal, claim a trial by a jury of six in the third district court of eastern Middlesex or the district court of Lowell, as the case may be. Such claim shall be in writing and shall constitute a waiver of any right to a trial by a jury in the superior court or other disposition in said superior court. When a claim for a trial by a jury of six in the third district court of eastern Middlesex or in the district court of Lowell has been made under the provisions of this paragraph, the clerk of the superior court shall forthwith forward to the clerk of the appropriate district court all of the papers in the case which have been filed in the superior court.

The justice presiding at such session over a jury of six in said third district court of eastern Middlesex or in said district court of Lowell shall have and exercise all the powers and duties which a justice of the superior court has and may exercise in the trial and disposition of such cases.

No justice so sitting shall act in a case in which he has either sat or held an inquest in the district court or otherwise has taken part in any proceeding therein.

Trials by such juries of six in said third district court of eastern Middlesex shall be held in the courthouse of said court, or, if not practicable there, then in the courthouse of the superior court in the city of Cambridge, and trials by such juries of six in said district court of Lowell shall be held in the courthouse of said court, or, if not practicable there, in the courthouse of the superior court in the city of Lowell, and shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court, except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many such challenges as equal the whole number to which all of the defendants in the case are entitled. Jurors shall be drawn from the pool of jurors available for the jury sessions in either civil or criminal sessions in the superior court for Middlesex county except that in the district court of Lowell juries shall be drawn from such pool of jurors only when the superior court for Middlesex county is sitting in Lowell with juries.

The district attorney for the northern district shall appear for the commonwealth in all cases. The chief justice of the district courts shall arrange for the jury sessions of the third district court of eastern Middlesex and the district court of Lowell and shall assign justices and special justices thereto, to the end that speedy trials may be provided for such appeals. In the event of a trial by a jury of six in either of said district courts, review may be had directly by the supreme judicial court, by a bill of exceptions, appeal, report or otherwise in the same manner provided for trials by jury in the superior court. The defendant may elect to waive a jury of six in the manner provided by section six of chapter two hundred and sixty-three of the General Laws, but such waiver shall not revive any right to a trial by jury or other disposition in the superior court which had been waived under the provisions of the first or second paragraphs.

The justice presiding at such session over a jury of six shall, upon the request of the defendant, appoint a stenographer, who shall be sworn, and who shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the chief justice of the district courts; provided, however, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one of the General Laws. Said chief justice may make regulations not inconsistent with law relative to the assignments, duties and service of stenographers appointed for any district court, and any other matter relative to such stenographers. The compensation and expenses of said stenographer shall be paid by the county.

SECTION 2. Chapter six hundred and twenty-eight of the acts of nineteen hundred and sixty-four, as most recently amended by section one of chapter six hundred and nine of the acts of nineteen hundred and sixty-six, is hereby repealed.

SECTION 3. This act shall take effect on October fifth, nineteen hundred and seventy.

*Approved May 6, 1969.*