

SENATE No. 180

To accompany the petition of Leslie B. Cutler and Margaret L. Spear for legislation to improve the methods of jury selection and making persons of either sex liable for service as jurors in certain cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT IMPROVING THE METHODS OF JURY SELECTION
AND MAKING PERSONS OF EITHER SEX LIABLE FOR
SERVICE AS JURORS IN CERTAIN CASES.

*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. Chapter 234 of the General Laws is
2 hereby amended by striking out section 1, as most
3 recently amended by chapter 25 of the acts of 1936,
4 and inserting in place thereof the following: —

5 *Section 1.* A person of either sex qualified to vote
6 for representatives to the general court, whether a
7 registered voter or not, shall be liable to serve as a
8 juror, except that the following persons shall be
9 exempt:

10 The governor; lieutenant governor; members of the
11 council; state secretary; members and officers of
12 the senate and house of representatives during a
13 session of the general court; judges and justices of a

14 court; county commissioners; clerks of courts and
15 assistant clerks and all regularly appointed officers
16 of the courts of the United States and of the common-
17 wealth; registers of probate and insolvency; registers
18 of deeds; sheriffs and their deputies; constables;
19 marshals of the United States and their deputies.
20 and all other officers of the United States; attorneys
21 at law; settled ministers of the gospel; officers of
22 colleges; preceptors and teachers of incorporated
23 academies; registered practicing physicians and sur-
24 geons; persons over seventy years of age; persons
25 under twenty-five years of age; members of the
26 Ancient and Honorable Artillery Company; members
27 of the volunteer militia; superintendents, officers and
28 assistants employed in or about a state hospital,
29 insane hospital, jail, house of correction, state indus-
30 trial school or state prison; keepers of lighthouses;
31 conductors and engine drivers of railroad trains;
32 teachers in public schools; enginemen and members of
33 the fire department of Boston, and of other cities and
34 towns in which such exemption has been made by
35 vote of the city council or the inhabitants of the town.
36 Christian Science practitioners and readers, respec-
37 tively; women trained nurses; women assistants in
38 hospitals; women attendant nurses; mothers of chil-
39 dren under sixteen years of age or women having
40 custody of such children if they request such exemption
41 and women members of religious orders.

1 SECTION 2. Said chapter 234 is hereby further
2 amended by inserting after section 1 the following
3 new section:—

4 *Section 1A.* If at any time it satisfactorily ap-
5 pears that the public welfare will be served by relieving

6 any person from jury service, or if the performance
7 thereof will impose undue hardship or extreme in-
8 convenience upon any person, the judge presiding
9 at the court to which the juror has been called for
10 service may excuse such person from jury duty.

1 SECTION 3. Section 4 of said chapter 234 is hereby
2 amended by striking out the first paragraph, as
3 appearing in the Tercentenary Edition, and inserting
4 in place thereof the following: —

5 The board of election commissioners in cities having
6 such boards, the board of registrars of voters in other
7 cities and the board of selectmen in towns shall
8 annually before July first prepare a list of such in-
9 habitants of the city or town, qualified as provided
10 in section one, of good moral character, of sound
11 judgment and free from all legal exceptions, not ex-
12 empt from jury service under section one or two, as
13 they think qualified to serve as jurors. The board
14 shall place on said list only the names of persons
15 determined to be qualified as aforesaid upon the
16 knowledge of one of its members, or after personal
17 appearance and examination under oath, or after
18 examination in the form of a questionnaire, approved
19 by the state secretary, to be answered under oath,
20 except that the board shall not place the name of
21 any woman on said list if, in such personal appear-
22 ance and examination or in such questionnaire, she
23 claims, in writing, exemption from jury service.
24 The board may summon persons to appear before it
25 for examinations as to their qualifications for jury
26 service and may compel their attendance before it
27 and the giving of testimony in the same manner and
28 to the same extent as may magistrates authorized

29 to summon and compel the attendance of witnesses.
30 Such examinations may be held before a single mem-
31 ber of the board and for the aforesaid purpose each
32 member may administer oaths. The board may
33 further investigate by inquiries at such person's
34 place of residence and of business or employment,
35 or by other means, his reputation, character and
36 fitness for such service. The chief of police or the
37 police commissioner or the official having charge
38 of the police shall upon request give the board all
39 possible assistance in making such investigation. Upon
40 the request of the board or any member thereof, any
41 person shall answer all questions and give such infor-
42 mation as he may have relating to the character or
43 fitness for jury service of any person concerning whom
44 such request is made, which information shall be con-
45 fidential. To the name of each juror on said list shall
46 be appended his place of residence and of business or
47 occupation.

1 SECTION 4. Section 25 of said chapter 234, in-
2 serted by section 1 of chapter 428 of the acts of 1945,
3 is hereby amended by striking out, in line 12, the
4 word "men" and inserting in place thereof the word:—
5 persons, — so that the third sentence will read as
6 follows:— The persons so drawn shall be duly sworn
7 and impanelled and, subject to said section twenty-six
8 B, shall be the jury to try the issue, and one of them
9 shall be appointed foreman by the court.

1 SECTION 5. This act shall take effect on July first,
2 nineteen hundred and fifty.