

To accompany the petition of John A. Daly and Silvio O. Conte that provision be made for assignment of counsel for indigent criminal defendants and payment of expenses and services of such counsel. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR ASSIGNMENT OF COUNSEL FOR INDIGENT CRIMINAL DEFENDANTS AND PAYMENT OF EXPENSES AND SERVICES OF SUCH COUNSEL.

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 276 of the General Laws is hereby
2 amended by inserting after section 37A the following new sec-
3 tion: —

4 *Section 37B.* At any stage of a criminal proceeding other than
5 capital, whether in a district court or in the superior court, the
6 superior court upon petition of the defendant and summary
7 hearing, shall assign counsel to represent him, if satisfied —

8 (a) That representation of such person by counsel is required
9 under rules adopted by the supreme judicial court, in accordance
10 with this section;

11 (b) That by reason of inability to pay counsel or for any other
12 reason such person is unable to obtain counsel; and

13 (c) That counsel cannot be obtained for him except through
14 such assignment.

15 The superior court may in accordance with rules established
16 by the supreme judicial court allow reasonable compensation
17 for the services and expenses of such assigned counsel, and such
18 compensation and expenses if approved and certified by the
19 chief justice of the superior court shall be paid by the common-
20 wealth.

21 The supreme judicial court shall make rules for the administra-
22 tion of this section, including the appointment, compensation
23 for services and expenses of assigned counsel and their qualifica-
24 tions, and types of cases in which such assignment may be made.

1 SECTION 2. This act shall take effect on

