
By Mrs. Cutler of Needham, petition of Leslie B. Cutler, Margaret L. Spear, Florence E. Cook, Alyce L. Schlapp and Fannie M. Buzzell for legislation to improve the methods of jury selection and for making persons of either sex liable for service as jurors. The Judiciary.

The Commonwealth of Massachusetts

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

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

*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 one of chapter two hundred
2 and thirty-four of the General Laws, as most recently
3 amended by chapter twenty-five of the acts of nine-
4 teen hundred and thirty-six, is hereby further amended
5 by inserting in the first line after the word "person"
6 the words:— of either sex,— and by adding at the
7 end thereof, after the word "respectively", the
8 words:— ; women trained nurses; women assistants
9 in hospitals; women attendant nurses; mothers of
10 children under sixteen years of age or women having
11 custody of such children if they request such exemp-
12 tion,— so as to read as follows:— *Section 1.* A
13 person of either sex qualified to vote for representa-
14 tives to the general court, whether a registered voter
15 or not, shall be liable to serve as a juror, except that
16 the following persons shall be exempt:

17 The governor; lieutenant governor; members of the
18 council; state secretary; members and officers of
19 the senate and house of representatives during a
20 session of the general court; judges and justices of a
21 court; county commissioners; clerks of courts and
22 assistant clerks and all regularly appointed officers
23 of the courts of the United States and of the common-
24 wealth; registers of probate and insolvency; registers
25 of deeds; sheriffs and their deputies; constables;
26 marshals of the United States and their deputies,
27 and all other officers of the United States; attorneys
28 at law; settled ministers of the gospel; officers of
29 colleges; preceptors and teachers of incorporated
30 academies; registered practicing physicians and sur-
31 geons; persons over seventy years of age; persons
32 under twenty-five years of age; members of the
33 volunteer militia; members of the Ancient and
34 Honorable Artillery Company; superintendents,
35 officers and assistants employed in or about a state
36 hospital, insane hospital, jail, house of correction,
37 state industrial school or state prison; keepers of
38 lighthouses; conductors and engine drivers of rail-
39 road trains; teachers in public schools; enginemen
40 and members of the fire department of Boston, and
41 of other cities and towns in which such exemption
42 has been made by vote of the city council or the
43 inhabitants of the town, respectively; women trained
44 nurses; women assistants in hospitals; women at-
45 tendant nurses; mothers of children under sixteen
46 years of age or women having custody of such children
47 if they request such exemption.

1 SECTION 2. Said chapter two hundred and thirty-
2 four is hereby further amended by adding after said
3 section one the following new section: —

4 *Section 1A. Excuses.* If at any time it satisfac-
5 torily appears that the public welfare will be served
6 by relieving any person from jury service, or if the
7 performance thereof will impose undue hardship or
8 extreme inconvenience upon any person, the judge
9 presiding at the court to which the juror has been
10 called for service may excuse such person from jury
11 duty.

1 SECTION 3. Section four of said chapter two hun-
2 dred and thirty-four is hereby amended in the first
3 paragraph thereof by striking out, in line ten, the
4 words "if the board deems it necessary," — and in
5 line eleven by inserting after the word "oath" the
6 words: — or after examination in the form of a ques-
7 tionnaire, approved by the state secretary, to be an-
8 swered under oath, — and in lines seventeen and
9 eighteen by striking out the words "If the board
10 elects such examination may be in the form of a
11 questionnaire to be answered under oath," — so that
12 the same shall read: — The board of election commis-
13 sioners in cities having such boards, the board of
14 registrars of voters in other cities and the board of
15 selectmen in towns shall annually before July first
16 prepare a list of such inhabitants of the city or town
17 qualified as provided in section one, of good moral
18 character, of sound judgment and free from all legal
19 exceptions, not exempt from jury service under sec-
20 tion one or two, as they think qualified to serve as
21 jurors. The board shall not place the name of any
22 person on said list unless such person is determined
23 to be qualified as aforesaid upon the knowledge of
24 one of its members, or after personal appearance and
25 examination under oath, or after examination in the

26 form of a questionnaire, approved by the state sec-
27 retary, to be answered under oath. The board may
28 summon persons to appear before it for examinations
29 as to their qualifications for jury service and may
30 compel their attendance before it and the giving of
31 testimony in the same manner and to the same ex-
32 tent as may magistrates authorized to summon and
33 compel the attendance of witnesses. Such examina-
34 tions may be held before a single member of the
35 board and for the aforesaid purpose each member
36 may administer oaths. The board may further in-
37 vestigate by inquiries at such person's place of resi-
38 dence and of business or employment, or by other
39 means, his reputation, character and fitness for such
40 service. The chief of police, or the police commissioner
41 or the official having charge of the police shall upon
42 request give the board all possible assistance in mak-
43 ing such investigation. Upon the request of the board
44 or any member thereof, any person shall answer all
45 questions and give such information as he may have
46 relating to the character or fitness for jury service
47 of any person concerning whom such request is made,
48 which information shall be confidential. To the name
49 of each juror on said list shall be appended his place
50 of residence and of business or occupation.

1 SECTION 4. Section twenty-five of said chapter two
2 hundred and thirty-four is hereby amended in the
3 third sentence by striking out, in line nine, the word
4 "men" and inserting in place thereof the word:—
5 persons, — so that the third sentence shall read:—
6 The twelve persons so drawn shall be duly sworn and
7 impanelled and shall be the jury to try the issue, and
8 one of them shall be appointed foreman by the court.