

HOUSE No. 2023

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 7, 1945.

The committee on Legal Affairs, to whom was referred so much of the final report of the special commission (chairman of the Parole Board, Commissioner of Mental Health and another) directed (under Chapter 62 of the Resolves of 1943) to make an investigation and study of the problem of drunkenness in this Commonwealth (House, No. 2000) as relates to forbidding the entry of a nolle prosequi or a continuance in drunkenness appealed cases, except with the concurrence of a justice of the Superior Court (App. C.) report the accompanying bill (House, No. 2023).

For the committee,

A. JOHN SERINO.

The Commonwealth of Massachusetts

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

AN ACT FORBIDDING THE ENTRY OF A NOLLE PROSEQUI
OR A CONTINUANCE IN DRUNKENNESS APPEALED CASES,
EXCEPT WITH THE CONCURRENCE OF A JUSTICE OF THE
SUPERIOR COURT.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 In any case appealed to the superior court by a
2 person charged with drunkenness, neither a district
3 attorney nor any of his assistants shall enter a nolle
4 prosequi, or grant a continuance, before or after ver-
5 dict, except where the purposes of justice require it,
6 and then only with the concurrence in writing of a
7 justice of the superior court.