

HOUSE No. 3406

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 17, 1963.

The committee on Bills in the Third Reading, to whom was referred the Bill providing for the disposition of untried indictments or complaints (House, No. 1232), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 3406).

For the committee,

ANTHONY M. COLONNA.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT PROVIDING FOR THE DISPOSITION OF UNTRIED INDICTMENTS OR COMPLAINTS.

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 277 of the General Laws is hereby
2 amended by inserting after section 79 under the caption, DIS-
3 POSITION OF UNTRIED INDICTMENTS OR COMPLAINTS, the follow-
4 ing section:—

5 *Section 80.* Whenever any person has entered upon a term of
6 imprisonment in any jail, house of correction, or correctional in-
7 stitution of the commonwealth, and whenever during the con-
8 tinuance of the term of imprisonment there is pending in the
9 commonwealth any other indictment or complaint against the
10 prisoner, such untried cause shall be barred for want of prosecu-
11 tion if the prisoner is not brought to trial within four months
12 after the date of incarceration for the prior conviction, unless
13 the delay occurs upon the application of the prisoner; except, if
14 the court is satisfied that due diligence has been exerted to pro-
15 cure the evidence on behalf of the state and that there is reason-
16 able ground to believe such evidence may be procured at a later
17 date, the court may upon motion of the district attorney, con-
18 tinue the cause for not more than thirty days.

1 SECTION 2. Any indictment or complaint which is pending
2 against a prisoner who has entered upon a term of imprisonment,
3 prior to the effective date of this act shall be barred for want
4 of prosecution if such prisoner is not brought to trial within
5 four months of said effective date.