

HOUSE No. 3682

By Mrs. Gray of Framingham, petition of Barbara E. Gray, Ann C. Gannett, Peter L. Masnik and John A. Businger for legislation to prohibit sex discrimination in the selection of juries. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO PROHIBIT SEX DISCRIMINATION ON JURIES.

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

1 Chapter 234 of the General Laws, as most recently amended,
2 is hereby further amended by striking out section 1, section 1A
3 and section 4 and inserting in place thereof the following: —
4 *Section 1. Qualifications and Exemptions.* A person of
5 either sex qualified to vote for representatives to the general
6 court, whether a registered voter or not, shall be liable to serve
7 as a juror, except that the following persons shall be exempt:
8 The governor; lieutenant-governor; members of the council;
9 state secretary; members and officers of the senate and house
10 of representatives during a session of the general court; judges
11 and justices of a court; county commissioners; clerks of courts
12 and assistant clerks and all regularly appointed officers of the
13 courts of the United States and of the Commonwealth; regis-
14 ters of probate and insolvency; registers of deeds; sheriffs and
15 their deputies; constables; marshals of the United States and
16 their deputies, and all other officers of the United States;
17 attorneys at law; settled ministers of the gospel; officers of
18 colleges; preceptors and teachers of incorporated academies;
19 registered practicing physicians and surgeons; persons over
20 seventy years of age; persons under twenty-two years of age;
21 superintendents, officers and assistants employed in or about a
22 state hospital, insane hospital, jail, house of correction, state

23 industrial school or state prison; teachers in public schools,
24 enginemen and members of the fire department of Boston, and
25 of other cities and towns in which such exemption has been
26 made by vote of the city council or the inhabitants of the
27 town; Christian Science practitioners and readers, respectively;
28 trained nurses; assistants in hospitals; and attendant nurses.

29 *Section 1A. Further Exemptions Authorized.* If at any time
30 it appears that the public interest will be served by excusing
31 any person from jury service, or if the performance thereof will
32 impose undue hardship or unusual inconvenience upon any
33 person, the judge presiding at the court to which the juror has
34 been called for service may excuse such person from jury duty.

35 *Section 4. Preparation of Lists.* The board of election com-
36 missioners in cities having such boards, the board or registrars
37 of voters in other cities and the board of selectmen in towns
38 shall annually before July first prepare a list of such inhabi-
39 tants of the city or town, comprising as nearly as possible
40 equal numbers of men and women, qualified as provided in
41 section one, of good moral character, of sound judgment and
42 free from all legal exceptions, not exempt from jury service
43 under section one or two, as they think qualified to serve as
44 jurors. The board shall place on said list only the names of
45 persons determined to be qualified as aforesaid upon the know-
46 ledge of one of its members, or after personal appearance and
47 examination under oath, or after examination in the form of a
48 questionnaire, approved by the state secretary, to be answered
49 under oath. The board may summon persons to appear before
50 it for examinations as to their qualifications for jury service
51 and may compel their attendance before it and the giving of
52 testimony in the same manner and to the same extent as may
53 magistrates authorized to summon and compel the attendance
54 of witnesses. Each summon issued by the board shall be served
55 by mailing an attested copy thereof by certified mail to the
56 last known address of such person, or by an officer qualified to
57 serve criminal process giving such a copy in hand to such
58 person or leaving the same at his last and usual place of abode,
59 such mailing or such service being made at least fourteen days
60 before the day such person is required to appear. Such examin-
61 ations may be held before a single member of the board and

62 for the aforesaid purpose each member may administer oaths.
63 The board may further investigate by inquiries at such person's
64 place of residence and of business or employment, or by other
65 means, his reputation, character and fitness for such service.
66 The chief of police or the police commissioner or the official
67 having charge of the police shall upon request give the board
68 all possible assistance in making such investigation. Upon the
69 request of the board or any member thereof, any person shall
70 answer all questions and give such information as he may have
71 relating to the character of fitness for jury service of any
72 person concerning whom such request is made, which information
73 shall be confidential. To the name of each juror on said
74 list shall be appended his place of residence, an exact descrip-
75 tion of his business or occupation, and the name and address
76 of his employer or of his business. In the event that the person
77 listed is married, there shall be appended in addition to an
78 exact description of the business or occupation of such per-
79 son's spouse, and the name and address of such person's em-
80 ployer or business. In the event that the person listed is
81 unemployed or retired, there shall be appended an exact de-
82 scription of his last business or occupation, and the name and
83 address of his last employer or of his last business.

84 *Number of Lists.* — Such lists shall include not less than one
85 juror for every hundred inhabitants nor more than one for
86 every sixty according to the latest census, state or national, but
87 in Nantucket or Dukes county it may include one for every
88 thirty inhabitants. In no event shall a person's name appear on
89 the jury lists of more than three successive years or on more
90 than three jury lists in any six-year period.

91 *Decision in Case of Dispute.* — If any question concerning
92 the preparation of such list arises, as to which the board of
93 election commissioners, registrars or selectmen are equally
94 divided, it shall be referred, if arising in Boston, to the chief
95 justice of the municipal court of the city of Boston, or, in case
96 of his absence or disability, to the senior justice thereof, and, if
97 arising in any other city or in any town, to the justice of the
98 district court within whose jurisdiction such city or town lies,
99 or in the case of his absence or disability to the senior special

100 justice thereof, and his decision on the question shall be final.
101 *Removal for Failure to Comply.* – Failure by a registrar of
102 voters, election commissioner or selectmen to comply with the
103 requirements of this section shall be sufficient ground for his
104 removal from office.