

HOUSE No. 7073

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 26, 1973.

The committee on Bills in the Third Reading, to whom was referred the Bill authorizing non-criminal disposition for certain motor vehicle violations (House, No. 5474), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 7073).

For the committee,

RICHARD E. LANDRY.

The Commonwealth of Massachusetts

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

**AN ACT AUTHORIZING NON-CRIMINAL DISPOSITION FOR CERTAIN
MOTOR VEHICLE VIOLATIONS.**

*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 90 of the General Laws is hereby amended by insert-
2 ing after section 20D the following section: —

3 *Section 20E.* If a police officer takes cognizance of a viola-
4 tion of any provision of sections seven or seven A, he shall forth-
5 with give to the offender a written notice to appear before the
6 clerk of the district court having jurisdiction, at any time during
7 office hours, not later than twenty-one days after the time of
8 such violation. Such notice shall be made in triplicate and shall
9 contain the name and address of the offender, the time, place
10 and nature of the violation, and the name of the police officer.
11 At or before the completion of each tour of duty such police
12 officer shall give his commanding officer two copies of such
13 notice. Said commanding officer shall retain one such copy in his
14 files and, not later than the next court day, deliver the other
15 copy to the clerk of the court before whom the offender has
16 been notified to appear. The notice to appear as provided herein
17 shall be printed in such form as the chief justice of the municipal
18 court of the city of Boston and the chief justice of the district
19 courts may prescribe for such courts.

20 Fines under this section shall be in accordance with a schedule
21 of fines which shall be established by the chief justice of the
22 municipal court of the city of Boston for said court, and by the
23 senior justice of each other district court, with the approval of
24 the chief justice of the district courts, for each such other district
25 court. A copy of such schedule of fines shall be so posted as to
26 be plainly visible to the public in the office of the clerk of each
27 district court. The fines listed on said schedule shall not exceed
28 the maximum fines established by law for the particular type of
29 violation. Proceedings under this paragraph shall not be deemed

30 criminal; and no person notified to appear before the clerk of a
31 district court as provided herein shall be required to report to
32 any probation officer, and no record of the case shall be entered
33 in the probation records.

34 No plea and payment of fine shall be accepted under this
35 section unless made before said clerk, either personally or by an
36 agent duly authorized in writing, or by mailing to such clerk,
37 such payment, if by mail, to be made only by postal note, money
38 order, or check made out to the clerk of the court.

39 Should any person notified to appear before the clerk of the
40 district court fail to appear on, having appeared, desire not to
41 avail himself of the procedure hereinbefore provided for the non-
42 criminal disposition of the case, the clerk shall, as soon as may
43 be, notify the officer concerned, who shall forthwith make a
44 complaint and follow the procedure established for criminal
45 cases. If any person fails to appear in accordance with the sum-
46 mons issued upon such complaint the clerk shall send such per-
47 son by registered mail, return receipt requested, a notice that the
48 complaint is pending and that if the person fails to appear within
49 twenty-one days from the sending of such notice a warrant for
50 his arrest will be issued. If any person fails to appear within
51 twenty-one days from the sending of such notice the court shall
52 issue a warrant for his arrest.

