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By Mr. Conte, a petition (accompanied by bill, Senate, No. 657) of John J. Conte for legislation to provide for the preservation of testimony in the district courts and the Municipal Court of the city of Boston. The Judiciary.

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## The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE PRESERVATION OF TESTIMONY IN THE DISTRICT COURTS AND THE MUNICIPAL COURT OF THE CITY OF BOSTON.

*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 218 of the General Laws is hereby amended by  
2 inserting after section 43D the following new section: —

3 *Section 43E.* (a) The chief justice of the district courts and  
4 the chief justice of the municipal court of the city of Boston  
5 shall in their respective courts provide for the preservation of  
6 a record of testimony by electronic means in such courtroom  
7 proceedings as said chief justices respectively prescribe, and  
8 in such other proceedings as the justice or first justice of a  
9 court may direct. Said chief justices shall also provide for  
10 making said record available in such form and manner, and  
11 at such cost, as they respectively prescribe.

12 (b) The chief justices of the district courts and the municipal  
13 court of the city of Boston, for their respective courts, may  
14 enter into such contracts as they deem appropriate and neces-  
15 sary for the purchase, installation and maintenance of record-  
16 ing devices, related equipment, accessories and supplies, the  
17 cost of which shall be borne by the Commonwealth, subject to  
18 appropriation therefor. Any fees collected for the reproduc-  
19 tion of a taped record shall be paid to the Commonwealth.  
20 Said chief justices may respectively promulgate such rules and  
21 regulations as are necessary and desirable for the uniform  
22 implementation of this system in their respective courts. Sub-  
23 ject to such rules and regulations, the operation of a record-

24 ing device used pursuant to this section, and the storage and  
25 availability of recorded tapes, shall at all times be under the  
26 direction of the court.

27 (c) A record made pursuant to this section shall be the  
28 property of the court in which the record was made, and shall  
29 be the official record of the proceedings. Said record, a copy  
30 of all or a part thereof, certified by the chief justice of the  
31 district courts or the chief justice of the municipal court of the  
32 city of Boston, as the case may be, or by such person or per-  
33 sons as may be designated by either of said chief justices, to  
34 be an electronic reproduction of said record or part thereof, or  
35 a typewritten transcript of all or a part of said record certified  
36 to be accurate by the court or stipulated to be accurate by the  
37 parties, shall be admissible as evidence of testimony given  
38 whenever proof of such testimony is otherwise competent.

39 (d) This act shall not preclude the preservation of testi-  
40 mony by non-electronic means when an electronic recording  
41 device is unavailable or in such other circumstances as the  
42 chief justice of the district courts or the chief justice of the  
43 municipal court of the city of Boston may respectively pre-  
44 scribe.