

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi and another for legislation to establish a one trial system in Suffolk County for the purpose of prosecuting violations of law which prohibit carrying or possession of dangerous weapons. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety.

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AN ACT ESTABLISHING A ONE TRIAL SYSTEM IN SUFFOLK COUNTY FOR PROSECUTING VIOLATIONS OF THE LAW PROHIBITING THE CARRYING OR POSSESSION OF DANGEROUS WEAPONS.

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

- 1 Notwithstanding the provisions of Sections twenty-six A and
- 2 twenty-seven A of Chapter two hundred and eighteen of the
- 3 General Laws, in Suffolk County trials of violations of Section
- 4 ten (a) of Chapter two hundred and sixty-nine of the General Laws
- 5 shall be by a jury of six, unless the defendant files a written waiver
- 6 and consent to be tried by the court without a jury.
- 7 In the event a defendant files such a waiver and consent to be
- 8 tried without a jury the provisions of Section twenty-six A of
- 9 Chapter two hundred eighteen of the General Laws shall apply,
- 10 except that if the defendant is convicted in the trial without a jury
- 11 he may not thereafter appeal to a jury session of the district court
- 12 for trial by jury pursuant to Section twenty-seven A of Chapter
- 13 two hundred eighteen of the General Laws. Review in such cases
- 14 may be had directly by the Appeal Court, by appeal, report or
- 15 otherwise in the same manner for trials of criminal cases in the
- 16 Superior Court.
- 17 Where the defendant has properly filed a waiver and consent
- 18 to be tried without a jury, trial shall proceed in accordance with
- 19 the provisions of law applicable to jury waived trials in the
- 20 Superior Court Department. The justice presiding over such jury
- 21 waived trials shall have and exercise all the powers and duties

22 granted a justice presiding over a trial by jury of six by Section  
23 twenty-seven A (d)-(i) of Chapter two hundred eighteen of the  
24 General Laws.

25 If a defendant does not file a written waiver and consent to be  
26 tried without a jury, trial shall be by a jury of six and the provisions  
27 of Section twenty-seven A (a), (b), (d), (e), (f), (g), (h), (i) of  
28 Chapter two hundred eighteen shall apply.

29 Nothing in this section shall preclude a defendant who elects  
30 to proceed in a jury of six session in the district court from waiving  
31 his right to be tried by a jury and being tried by the judge alone,  
32 or to have his case disposed of in any manner provided by existing  
33 law.