

HOUSE No. 1561

By Mr. Kiernan of Lowell, petition of Edward J. McCormack, Jr., and Cornelius F. Kiernan for legislation to provide for the appointment by the justices of the Supreme Judicial Court of the members of the Massachusetts Defenders Committee. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PLACING THE APPOINTIVE POWER OF THE MEMBERS OF THE MASSACHUSETTS DEFENDERS COMMITTEE IN THE JUSTICES OF THE SUPREME JUDICIAL COURT.

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 221 of the General Laws is hereby amended by strik-
2 ing out section 34D and inserting the following in place thereof:—
3 *Section 34D. Massachusetts Defenders Committee.* — There
4 shall be a Massachusetts defenders committee consisting of
5 eleven persons to be appointed by the Justices of the Supreme
6 Judicial Court, each of whom shall hold office during the term
7 for which he is appointed and until his successor in office has
8 qualified. Upon completion of a term of a member of said
9 committee his successor shall be appointed for a term of four
10 years. Vacancies shall be filled by the justices of the supreme
11 judicial court for the unexpired term. Members of said com-
12 mittee may be removed by the justices of the supreme judicial
13 court. No member of the committee shall receive any com-
14 pensation for his services but each member shall be reimbursed
15 for actual traveling expenses incurred by him in attending the
16 committee meetings.

17 The committee shall provide counsel at any stage of a crimi-
18 nal proceeding, other than capital, in any court of the common-
19 wealth; provided, the laws of the commonwealth or the rules of

20 the supreme judicial court require that the defendant in such
21 proceeding be represented by counsel; and provided, further,
22 that such defendant is unable to obtain counsel by reason of his
23 inability to pay.

24 Said committee may accept gifts, grants or contributions from
25 any source, whether public or private, and may expend the same
26 with the approval of the justices of the supreme judicial court.

27 The committee shall adopt such rules and regulations as may
28 be necessary for the conduct of its affairs and may from time to
29 time amend or revise the same. Said rules and amendments
30 thereof shall be subject to the approval of the justices of the
31 supreme judicial court. The committee shall appoint an execu-
32 tive secretary who shall carry out such duties as the committee
33 may authorize, including the certification of payments under
34 section twenty of chapter twenty-nine. Said committee shall
35 also appoint such professional, clerical and other assistants as
36 may be necessary to carry out its duties, and shall provide
37 suitable accommodations throughout the commonwealth. The
38 counsel and other employees appointed by the committee shall
39 not be subject to the provisions of chapter thirty-one.