

HOUSE No. 2214

By Mr. Armstrong of Plymouth, petition of John A. Armstrong relative to the time within which certain defendants may waive their rights to a trial by jury. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE TIME WITHIN WHICH CERTAIN DEFENDANTS MAY WAIVE THEIR RIGHTS TO A TRIAL BY JURY.

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

1 Section 6 of chapter 263 of the General Laws, as amended
2 by section 1 of chapter 246 of the acts of 1933, is hereby further
3 amended by striking out the last sentence and inserting in place
4 thereof the following sentence: — Any defendant in the superior
5 court in a criminal case other than a capital case, whether begun
6 by indictment or upon complaint, may, if he shall so elect, within
7 one week of the time he is called upon to plead or within one
8 week of the entry of the appeal and only thereafter with the assent
9 of the district attorney and before a jury has been impanelled
10 to try him upon such indictment or complaint, waive his right
11 to trial by jury by signing a written waiver thereof and filing
12 the same with the clerk of court, whereupon he shall be tried by
13 the court instead of by a jury, but not, however, unless all the
14 defendants if there are two or more charged with offenses grow-
15 ing out of the same single chain of circumstances or events
16 whether prosecuted under the same or different indictments or
17 complaints shall have exercised such election before a jury has
18 been impanelled to try any of the defendants; and in every such
19 case the court shall have jurisdiction to hear and try such cause
20 and render judgment and sentence thereon.

