

HOUSE No. 1233.

House, No. 1189 as passed to be engrossed.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seven.

AN ACT

Relative to Juries and Jury Service.

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 1. Section four of chapter one hundred
2 and seventy-six of the Revised Laws is hereby
3 amended by striking out in the third and fourth
4 lines the words "in January or February," and
5 inserting in place thereof the words:— *before the*
6 *first day of July*; and by inserting after the word
7 "jurors," in the seventh line, the words:— *But*
8 *neither the board of registrars of voters of any city*
9 *nor the board of election commissioners of the city*
10 *of Boston shall place the name of any person on*
11 *said list until after such board shall have fairly and*
12 *fully investigated by inquiries at his place of resi-*
13 *dence and business or employment, or by other*

14 means, his reputation, character and fitness for such
15 service. The board may, in making such investiga-
16 tions, request the chief of police or the police com-
17 missioner, or the officer having charge of the police,
18 of its city to obtain, so far as is possible, and fur-
19 nish to it, information concerning the qualifications
20 of any inhabitant thereof for jury service. Such
21 board or any member thereof may request of any
22 and all persons such information as they may have
23 concerning the character and fitness or qualifica-
24 tions for jury service of any person. It shall be
25 the duty of all persons upon such request to answer
26 all questions and to give to said board or any mem-
27 ber thereof such information as they may have
28 relating to the character or fitness for jury service
29 of any person concerning whom such request is
30 made, which information shall be regarded as con-
31 fidential. To the name of each juror on said list
32 shall be appended his place of residence and of
33 business or occupation, — so as to read as follows:
34 — Section 4. The board of registrars of voters in
35 every city, except Boston, and in Boston the board
36 of election commissioners, and the selectmen of
37 towns shall annually, before the first day of July,
38 prepare a list of such inhabitants of the city or
39 town of good moral character, of sound judgment
40 and free from all legal exceptions, not absolutely
41 exempt from jury service, as they think qualified
42 to serve as jurors. But neither the board of reg-
43 istrars of voters of any city nor the board of elec-
44 tion commissioners of the city of Boston shall place
45 the name of any person on said list until after such
46 board shall have fairly and fully investigated by
47 inquiries at his place of residence and business or

48 *employment, or by other means, his reputation,*
49 *character and fitness for such service. The board*
50 *may, in making such investigations, request the*
51 *chief of police or the police commissioner, or the*
52 *officer having charge of the police, of its city to ob-*
53 *tain, so far as is possible, and furnish to it, informa-*
54 *tion concerning the qualifications of any inhabitant*
55 *thereof for jury service. Such board or any mem-*
56 *ber thereof may request of any and all persons such*
57 *information as they may have concerning the char-*
58 *acter and fitness or qualifications for jury service*
59 *of any person. It shall be the duty of all persons*
60 *upon request to answer all questions and to give*
61 *to said board or any member thereof such informa-*
62 *tion as they may have relating to the character and*
63 *fitness for jury service of any person concerning*
64 *whom such request is made, which information shall*
65 *be regarded as confidential. To the name of each*
66 *juror on said list shall be appended his place of*
67 *residence and of business or occupation. Such list*
68 *shall include not less than one for every one hun-*
69 *dred inhabitants of the city or town, nor more than*
70 *one for every sixty inhabitants, according to the*
71 *latest census, state or national; but in the counties*
72 *of Nantucket or Dukes County it may include one*
73 *for every thirty inhabitants.*

1 SECTION 2. Whoever being a registrar of voters
2 or an election commissioner shall put or cause to be
3 put upon the jury list the name of any person for
4 any reason other than his judgment in good faith
5 of the qualifications and fitness of such person for
6 such jury service, shall be punished by imprison-
7 ment in the jail or house of correction for a term

8 not exceeding one year or by fine not exceeding
9 five hundred dollars, and the non-performance of the
10 requirements of section one of this act by such
11 registrar or commissioner shall also be sufficient
12 ground for his removal from his office.

1 SECTION 3. Whoever shall in any manner solicit
2 or request an election commissioner or registrar of
3 voters to put upon a jury list the name of the per-
4 son so soliciting or requesting, or the name of any
5 other person, shall be punished by imprisonment
6 in the house of correction for a term not exceeding
7 one year, or by a fine not exceeding five hundred
8 dollars.

1 SECTION 4. If any question concerning the prep-
2 aration of said jury list arises, as to which the
3 election commissioners are equally divided, it shall
4 be referred to the chief justice of the municipal
5 court of the city of Boston, or, in case of his absence
6 or disability, to the senior justice of said court, and
7 his decision on the question shall be final.

1 SECTION 5. Section five of chapter one hundred
2 and seventy-six of the Revised Laws is hereby
3 amended by striking out the said section and substi-
4 tuting therefor the following:—*Section 5.* Jury
5 lists prepared as above provided shall, before the
6 first day of August of each year, be printed with the
7 address and occupation of each juror, and a copy
8 thereof shall be delivered to the mayor or selectmen
9 and to the clerk of the city or town to which such list
10 relates, and to the clerks and assistant clerks of the
11 supreme judicial and superior courts in the county
12 in which such city or town is situated, to be by

13 said clerks and assistant clerks kept for the use of
14 said courts.

1 SECTION 6. Section six of chapter one hundred
2 and seventy-six of the Revised Laws is hereby
3 amended by striking out the words “ as revised
4 and accepted,” in the first line, and inserting in
5 place thereof the words:— *prepared as provided*
6 *in this chapter*,— so as to read as follows:— *Sec-*
7 *tion 6. If the list prepared as provided in this*
8 *chapter* includes less than one juror for every one
9 hundred inhabitants of a city, said board of reg-
10 istrars of voters or said board of election commis-
11 sioners shall prepare, post and submit as aforesaid
12 a further list and like proceedings shall be had
13 as in the case of the original list, until the required
14 number of jurors is obtained.

1 SECTION 7. Section seven of said chapter one hun-
2 dred and seventy-six is hereby amended by striking
3 out the words “ revising the list,” in the first line,
4 and inserting in place thereof the following:— *of al-*
5 *dermen or the single legislative board of cities hav-*
6 *ing such single board*,— so as to read as follows:—
7 *Section 7. In cities the board of aldermen or the*
8 *single legislative board of cities having such single*
9 *board*, and in towns the selectmen shall cause the
10 names on the list as completed to be written each
11 on a separate ballot and shall roll or fold the ballots
12 so as to resemble each other as much as possible and
13 so that the name written thereon shall not be visible
14 on the outside, and shall place the ballots in a box
15 which shall be kept by the city or town clerk for
16 the purpose.

1 SECTION 8. Section eight of chapter one hun-
2 dred and seventy-six of the Revised Laws is hereby
3 amended by striking out all after the word “ im-
4 morality,” in the third line, and substituting the
5 words:— *or is found by the justice holding court*
6 *to be unqualified or unfit to serve as a juror, he may*
7 *be relieved by said justice from sitting in any case,*
8 *or his name may be ordered by the justice to be*
9 *stricken from the jury list,— so that said section*
10 will read:— *Section 8. If a person whose name has*
11 *been so placed in the jury box is convicted of a*
12 *scandalous crime or is guilty of gross immorality,*
13 *or is found by the justice holding court to be un-*
14 *qualified or unfit to serve as a juror, he may be re-*
15 *lieved by said justice from sitting in any case, or*
16 *his name may be ordered by the justice to be stricken*
17 *from the jury list.*

1 SECTION 9. This act shall take effect upon its
2 passage.

HOUSE OF REPRESENTATIVES, March 29, 1907.

Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*