

HOUSE No. 2212

Mr. Maguire of Boston gives notice that he will move to substitute this bill for House, No. 2119, if rejection as recommended by the committee on Counties on the part of the House, is negatived.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To provide Counsel for Indigent Defendants charged with
Certain Felonies.

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

1 The superior court at the beginning of a criminal term
2 or at any time during such term, may appoint a person to
3 act as counsel for indigent defendants indicted for felonies
4 punishable by imprisonment in the state prison for life, or
5 for a term of ten years or more. Such appointment shall
6 be a single term of the court, and may be revoked at any
7 time.

8 The compensation to be allowed to counsel so appointed
9 shall not exceed fifty dollars in any one case, unless the
10 offense charged is punishable by imprisonment for life, but

11 the total amount paid, excepting in the Suffolk district,
12 shall be at a rate not exceeding one-third of the salary of
13 the district attorney of the district, and in the Suffolk dis-
14 trict at a rate not exceeding three-fifths of such salary.
15 The court may allow the reasonable expenses incurred and
16 paid by counsel so appointed.

17 If a person so indicted appears for arraignment without
18 counsel the court shall ascertain whether he desires counsel,
19 and if so, whether he is able to obtain it. If satisfied that
20 he is not able to do so, the court may assign him, as counsel,
21 the person appointed as hereinbefore provided.

22 A person indicted for a felony, upon demand by him or
23 his counsel upon the clerk, shall have a list of the jurors
24 who have been returned, and in the discretion of the court
25 may have process to summon witnesses who are necessary
26 to his defence. All expenses incurred under this act in any
27 case shall be paid by the county in which such case origi-
28 nated.

