

SENATE No. 691

The Commonwealth of Massachusetts

SENATE, March 27, 1962.

The committee on Bills in the Third Reading to which was referred the House Bill authorizing appeals by the defendant or by the commonwealth from a decision on a plea in abatement (House, No. 1552, changed), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act authorizing appeals by the defendant or by the commonwealth from a decision upon a plea in abatement in criminal cases" (Senate, No. 691), and that, when so amended, the same will be correctly drawn.

For the Committee,

F. X. McCANN.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING APPEALS BY THE DEFENDANT OR BY THE COMMONWEALTH FROM A DECISION UPON A PLEA IN ABATEMENT IN CRIMINAL CASES.

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. Chapter 278 of the General Laws is hereby
2 amended by striking out section 27, as appearing in the Ter-
3 centenary Edition, and inserting in place thereof the follow-
4 ing section: — *Section 27.* Decisions of the superior court upon
5 questions raised upon a plea in abatement to an indictment or
6 complaint, or any count thereof, may be appealed by a defend-
7 ant aggrieved thereby or by the commonwealth to the supreme
8 judicial court.

1 SECTION 2. Said chapter 278 is hereby further amended by
2 striking out section 28, as so appearing, and inserting in place
3 thereof the following section: — *Section 28.* A defendant ag-
4 grieved by a judgment of the superior court founded upon
5 matter of law apparent upon the record in any criminal pro-
6 ceeding may appeal therefrom to the supreme judicial court.