
By Mr. Nuciforo a petition (accompanied by bill, Senate, No. 696) of Andrea F. Nuciforo and others for legislation relative to the examination of jurors. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT RELATIVE TO THE EXAMINATION OF JURORS.

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 28 of chapter 234 of the General Laws as amended
2 is hereby amended by adding at the end thereof the following
3 paragraphs: —

4 For the purpose of determining whether a juror stands in-
5 different in the case, and for the purpose of the parties gaining
6 knowledge to enable an intelligent exercise of pre-emptory
7 challenges, if it appears in any criminal case, from affidavit,
8 testimony, the issues appearing in the pleadings, or from any
9 other material made available by the parties to the court, that
10 as a result of the impact of considerations which may cause
11 decision to be made in whole or in part upon issues extraneous
12 to the case, including, but not limited to, community attitudes,
13 possible exposure to potentially prejudicial material or pos-
14 sible preconceived opinions toward the credibility of certain
15 classes of persons, the juror may not stand indifferent, the
16 court shall, or the parties or their attorneys may, under the
17 direction of the court, examine the juror specifically with re-
18 spect to such considerations, attitudes, exposure, opinions or
19 any other matters which may, as aforesaid, cause decision to
20 be made in whole or in part upon issues extraneous to the is-
21 sues in the case. For such purposes the court shall examine
22 the jury by such questions as shall be submitted to the court
23 by the defendant or his attorney or by the prosecutor as he
24 deems reasonable and proper and shall permit such additional

25 questions to be put directly by such parties as he may deem
26 reasonable and proper. Such examination shall include a brief
27 statement of the facts of the case, to the extent the facts are
28 appropriate and relevant to the issues of such examination.

29 The examination of the juror shall be conducted individually
30 and outside the presence of other persons about to be called
31 as jurors or already called.