
By Mr. Rotondi, a petition (accompanied by bill, Senate, No. 1920) of Samuel Rotondi, John J. Conte and Philip L. Shea for legislation to further define the conditions required for the allowance of a stay of execution pending appeal in a criminal case. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT FURTHER DEFINING THE CONDITIONS REQUIRED FOR THE ALLOWANCE OF A STAY OF EXECUTION PENDING APPEAL IN A CRIMINAL CASE.

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 4 of chapter 279, of the General Laws, as most
2 recently amended by Section 17 of Chapters 740 of the Acts
3 of 1972, is hereby further amended by striking out the second
4 sentence thereof and inserting in its place the following: —
5 No sentence of imprisonment shall be stayed pending an
6 appeal or other post-conviction proceeding unless the defend-
7 ant establishes to the satisfaction of the judge imposing the
8 sentence or a judge of the Supreme Judicial Court or Appeals
9 Court, that (1) the defendant, if admitted to bail, would not
10 pose a danger to himself or to others, (2) that the appeal or
11 post-conviction proceeding is not undertaken merely for the
12 purpose of obtaining the stay, and (3) in the case of a felony,
13 there is a substantial likelihood of success on the appeal or in
14 the post-conviction proceedings is not frivolous. The judge may
15 condition the stay upon the defendant's diligent prosecution
16 of the appeal or post-conviction proceedings, and if execution
17 or sentence is stayed, the judge may at the same time make
18 an order relative to the custody of the defendant or for ad-
19 mitting him to bail.

The following is a copy of the report of the committee on the subject of the proposed amendments to the constitution of the State of New York, as passed by the Senate on the 15th day of June, 1918, and by the Assembly on the 17th day of July, 1918.

The Constitution of the State of New York

As amended by the Senate and Assembly

AND WHEREAS the committee on the subject of the proposed amendments to the constitution of the State of New York, organized by the Senate on the 15th day of June, 1918, and by the Assembly on the 17th day of July, 1918, have the honor to report to the Senate and Assembly the following amendments to the constitution of the State of New York:

That the committee on the subject of the proposed amendments to the constitution of the State of New York, organized by the Senate on the 15th day of June, 1918, and by the Assembly on the 17th day of July, 1918, have the honor to report to the Senate and Assembly the following amendments to the constitution of the State of New York:

1. Section 4 of chapter 278 of the Laws of 1917, as amended by section 17 of chapter 719 of the Laws of 1918, is hereby amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
2. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
3. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
4. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
5. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
6. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
7. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
8. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
9. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
10. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
11. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
12. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
13. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
14. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
15. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
16. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
17. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
18. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —
19. The section of the constitution shall be amended by striking out the words "of 1917" in line 1, and inserting in their place the following: —

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Senate at Albany, this 15th day of June, 1918.