

SENATE No. 1673

By Mr. Rotondi, a petition (accompanied by bill, Senate, No. 1673) of Samuel Rotondi, John J. Droney and Peter W. Agnes, Jr., 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-two.

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 re-
2 cently amended by Section 49 of Chapter 344 of the Acts of
3 1979, is hereby further amended by striking out the second
4 paragraph thereof and inserting in its place the following: —
5 No sentence of imprisonment shall be stayed pending an
6 appeal unless the defendant established to the satisfaction of
7 the judge imposing the sentence or a judge of the Supreme
8 Judicial Court or Appeals Court, that (1) the defendant, if
9 admitted to bail, would not pose a danger to himself or
10 others, (2) that the appeal or post-conviction proceeding is
11 not undertaken merely for the purpose of obtaining the stay,
12 and that (3) there is a substantial likelihood of success on the
13 appeal. The judge may condition the stay upon the defendant's
14 diligent prosecution of the appeal and if execution of sentence
15 is stayed, the judge may at the same time make an order rela-
16 tive to the custody of the defendant or for admitting him to
17 bail.

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