

By Mr. Ambler of Weymouth, petition of Robert B. Ambler and J. Michael Ruane relative to the trial of certain juveniles as adults. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE TRIAL OF CERTAIN JUVENILES AS ADULTS.

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 61 of chapter 119 of the General Laws is hereby
2 amended by striking the first two paragraphs of said section and
3 inserting in place thereof the following: —

4 “When it is alleged in a complaint made under section fifty-two
5 and sixty-three, inclusive, that a child (a) who had previously been
6 committed to the department of youth services as a delinquent
7 child having committed an offense against the law of the
8 Commonwealth which, if he were an adult, would be punishable
9 by imprisonment in the state prison: — or (b) has committed an
10 offense involving the infliction or threat or serious bodily harm
11 and in either case if such alleged offense was committed while the
12 child was between his fourteenth and seventeenth birthday, the
13 court shall, after a transfer hearing held in accordance with such
14 rules of court as shall be adopted for such purposes, dismiss the
15 complaint.

16 At said transfer hearing, which shall be held before any hearing
17 on the merits of the charges alleged, the court shall find whether
18 probable cause exists to believe that the child has committed the
19 offense or violation as charged.”.

