
The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, September 3, 1966.

To the Honorable Senate and House of Representatives:

In accordance with the provisions of Article LVI of the Amendments of the Constitution, I am returning herewith House Bill No. 3854 entitled "An act providing for personal recognizance instead of bail for persons charged with certain offences under the jurisdiction of district courts."

This bill changes the law and procedure with respect to the release on bail of persons charged with certain offenses. The person arrested must be released pending trial, unless the bail commissioner or other official before whom he appears determines that his release will not reasonably assure his appearance as required. The bail commissioner in making the determination must take certain circumstances and information into account. An appeal is provided if release is refused.

The bill has an emergency preamble, so that after the signing by the Governor, the law takes effect.

Such a sudden change in the duties and responsibilities of the bail commissioner or other bailing official might well cause the rights of prisoners to be adversely affected, solely because the bail commissioner had not learned of the bill becoming law. It is common knowledge that every day, at almost any hour, someone, somewhere in the Commonwealth, is likely being apprehended for some sort of offense.

There ought to be time for those officials who are affected by the act, at least, to know that the law is being changed. They are entitled to time to prepare for the new procedure.

I therefore recommend that the bill be amended by striking out the emergency preamble.

Respectfully submitted,

JOHN A. VOLPE,
Governor of the Commonwealth.

