

# HOUSE . . . . . No. 5603

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 1, 1972.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 554) of Garrett H. Byrne and Mario Umana for legislation to provide that a defendant in a criminal case who intends to rely upon the defense of insanity shall, prior to trial, give notice to the prosecuting attorney of his intention to claim such defense and to ask for a psychiatric examination and for reciprocal discovery regarding witnesses; and the petition (accompanied by bill, Senate, No. 555) of Garrett H. Byrne and Mario Umana for legislation to provide that a defendant in a criminal case who intends to rely upon the defense of alibi shall, prior to trial, give notice to the prosecuting attorney of his intention to claim such defense and for reciprocal discovery in behalf of such defendants, report recommending that the accompanying resolve (House, No. 5603) ought to pass.

For the committee,

CORNELIUS F. KIERNAN

**The Commonwealth of Massachusetts**

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

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO DEFENDANTS IN CERTAIN CRIMINAL CASES GIVING NOTICE PRIOR TO TRIAL TO THE PROSECUTING ATTORNEYS OF THEIR INTENTIONS TO TO CLAIM CERTAIN DEFENSES.

1     *Resolved*, That the judicial council be requested to investigate  
2 the subject matter of current senate documents numbered 554,  
3 relative to providing that a defendant in a criminal case who  
4 intends to rely upon the defense of insanity shall prior to trial  
5 give notice to the prosecuting attorney of his intention to claim  
6 such defense and for a psychiatric examination, there will be  
7 reciprocal discovery regarding witnesses; and 555, relative to  
8 providing that a defendant in a criminal case who intends to rely  
9 upon the defense of alibi shall prior to trial give notice to the  
10 prosecuting attorney of his intention to claim such defense and  
11 for reciprocal discovery in behalf of such defendants, and to  
12 include its conclusions and its recommendations, if any, in  
13 relation thereto, together with drafts of such legislation as may  
14 be necessary to give effect to the same, in its annual report for  
15 the current year.