

By Ms. Jacques, a petition (accompanied by bill, Senate, No. 867) of Cheryl A. Jacques for legislation relative to technical corrections in the bail reform law. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO TECHNICAL CORRECTIONS IN THE BAIL REFORM LAW.

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 1. The last paragraph of section 58 of chapter 276 of
2 the General Laws, as added by section 5 of chapter 68 of the acts
3 of 1994 is hereby amended by deleting the words "subsection (5)"
4 and inserting in place thereof the following words: — subsection (4).

1 SECTION 2. Subsection (1) of section 58A of said chapter 276,
2 as added by section 6 of said chapter 68 is hereby amended by
3 striking out the words "arrested and charged within" as they
4 appear after the words "Chapter two hundred and nine C."

1 SECTION 3. Said subsection (1) of said section 58A is hereby
2 further amended by inserting after the words "two hundred and
3 nine A was in effect against said person" the word: — or.

1 SECTION 4. Said subsection (1) of said section 58A is hereby
2 further amended by inserting after the words "a third or subse-
3 quent conviction for a violation of section twenty-four of chapter
4 ninety" and inserting in place thereof the following words —
5 a violation of section twenty-four of chapter ninety where the
6 person has been previously convicted or assigned to an alcohol or
7 controlled substance education, treatment, or rehabilitation pro-
8 gram by a court of the commonwealth or any other jurisdiction
9 because of a like offense two or more times within the ten years
10 preceding the date of the commission of the offense.

1 SECTION 5. Subsection (2) of said section 58A is hereby
2 amended by striking out the words “subsection (5)” and inserting
3 in place thereof the following words: — subsection (4) and.

1 SECTION 6. Said subsection (2) of said section 58A is hereby
2 further amended by striking out the words “if the judicial officer
3 determines that personal recognizance will not reasonably assure
4 the appearance of the person as required or will endanger the
5 safety of any person of the community such judicial officer shall
6 order the pretrial release of the person” and inserting in place
7 thereof the following words: — If the judicial officer determines
8 that condition or combinations of conditions of release will rea-
9 sonably assure the appearance as required and the safety of any
10 other person and the community, such judicial officer shall order
11 the pretrial release of the person.

1 SECTION 7. Paragraph (B) of said subsection (2) of said sec-
2 tion 58A is hereby amended by inserting after the word “commu-
3 nity” the words: — which may include the conditions.

1 SECTION 8. Subsection (3) of said section 58A is hereby
2 amended by striking out the words “subsection (5)” and inserting
3 in place thereof the following words: — subsection (4).

1 SECTION 9. Said subsection (3) of said section 58A is hereby
2 further amended by inserting after the words “financial condition
3 upon the prisoner” the words: — pursuant to this section or sec-
4 tion fifty-eight.

1 SECTION 10. The first sentence of subsection (4) of said sec-
2 tion 58A is hereby further amended by striking out the words
3 “prisoner held under arrest for” and inserting in place thereof the
4 following words: — person has been charged with.

1 SECTION 11. The first sentence of the second paragraph of
2 subsection (4) of said section 58A is hereby amended by inserting
3 after the word “testify” the following words: — and the parties
4 shall be afforded the opportunity.

1 SECTION 12. The last sentence of the second paragraph of
2 subsection (4) of said section 58A is hereby amended by striking
3 out the words “and the record of the court, including the” and
4 inserting in place thereof the following: — , the.

1 SECTION 13. The last sentence of the second paragraph of said
2 subsection (7) of said section 58A is hereby amended by inserting
3 after the word “recognizance” as it appears for the second time the
4 following words: — or conditional release.

1 SECTION 14. Said section 58A is hereby further amended by
2 adding at the end thereof the following paragraph: —
3 Whenever the words “district court” are used in this section or
4 in section fifty-eight, such words shall refer to the following
5 departments of the trial court: the district court, the Boston munic-
6 ipal court, and the juvenile court.

1 SECTION 15. The first sentence of the second paragraph of
2 section 58B of chapter 276 of the General Laws, as added by said
3 section 6, is hereby amended by striking out the words “other
4 prisoners” and inserting in place thereof the following words: —
5 other person.

1 SECTION 16. The second paragraph of said subsection (7) of
2 said section 58A is hereby amended by striking out the first two
3 sentences and inserting in place thereof the following two sen-
4 tences: — The superior court shall in accordance with the factors
5 set forth in section fifty-eight A, hear the petition for review
6 under section fifty-eight A as speedily as practicable and in any
7 event within five business days of the filing of the petition. The
8 justice of the superior court hearing the review shall consider the
9 record below which the commonwealth and the prisoner may, in
10 the discretion of the court, supplement.

