

SENATE No. 970

By Mr. Nuciforo, a petition (accompanied by bill, Senate, No. 970) of Andrea F. Nuciforo, Jr., for legislation to establish uniform standards for bail proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT TO ESTABLISH UNIFORM STANDARDS FOR BAIL PROCEEDINGS IN
THE COURTS OF THE COMMONWEALTH.

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. Section 58 of chapter 276 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 striking out the last sentence of the first paragraph.

1 SECTION 2. Said chapter 276 is hereby amended by inserting
2 after section 58 the following section:—

3 Section 58½. If the justice of the superior court or district court
4 or juvenile court, the master in chancery or the bail commissioner
5 determine that cash bail is required, the defendant shall be
6 allowed to provide an equivalent amount in a surety bond and
7 the amount of bail set whether in either cash or surety shall be
8 the same.

9 The judge or other authorized court personnel shall set the
10 amount of bail but the defendant shall have the right to make the
11 choice of how the bail shall be paid, which could be by either cash
12 or corporate surety.

1 SECTION 3. Section 80 of chapter 276 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 adding to the end thereof the following sentence:—

4 All such moneys so deposited with the state treasurer shall be
5 kept in a separate account by said treasurer and annually trans-
6 ferred to the victim and witness assistance fund established by

7 section forty-nine of chapter ten and so far as possible to be used
8 to compensate or reimburse any victim of a crime perpetrated by a
9 person whose bail or surety has been defaulted under this section.

1 SECTION 4. Upon passage of this act, the chief justice of the
2 superior court, the chief justice of the district court, and the chief
3 justice of the juvenile court shall provide notification to all court
4 personnel, under their jurisdiction involved in bail proceeding as
5 to the new uniform standards and requirements for acceptance of
6 surety as set forth in this act. Said notification shall inform all
7 related personnel on how the uniform policy impacts their role in
8 accepting bail and instruct those involved in bail proceedings as to
9 the absolute requirement imposed for acceptance of surety as an
10 equivalent to cash in the trial courts of the commonwealth.