

HOUSE No. 2746

By Mr. Menton of Watertown, petition of Ronald J. Chisholm and Paul C. Menton for legislation to provide that the refusal of a defendant in criminal proceedings to testify voluntarily shall not create any inference against him. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT ALTHOUGH A DEFENDANT IN A CRIMINAL PROCEEDING MAY TESTIFY VOLUNTARILY, NEVERTHELESS HIS REFUSAL TO DO SO SHALL NOT CREATE ANY INFERENCE AGAINST HIM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 233 of the General Laws is hereby amended by strik-
- 2 ing out the third paragraph of section 20, and inserting in place
- 3 thereof the following paragraph:—
- 4 Third, The defendant in the trial of an indictment, complaint
- 5 or other criminal proceeding shall, at his request, but not other-
- 6 wise, be allowed to testify; but his neglect or refusal to testify
- 7 shall not create any inference against him.

