

By Mrs. Kehoe of Dedham, petition of Marie-Louise Kehoe relative to requiring written testimony from courts and justices setting bail in criminal cases. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety.

AN ACT REQUIRING WRITTEN TESTIMONY FROM COURTS AND JUSTICES SETTING BAIL IN CRIMINAL CASES.

*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 42 of Chapter 276 of the General Laws,  
2 as appearing in the 1988 Official Edition, is hereby amended by  
3 deleting lines 1 through 5 and inserting therein the following: —  
4 If it appears that a crime has been committed and that there  
5 is probable cause to believe the prisoner guilty, the court or justice  
6 shall if final jurisdiction is not exercised, admit the prisoner to  
7 bail, if the crime is bailable and sufficient bail is offered, and  
8 provided that the court or justice provides written attestation to  
9 the offering of bail to the prisoner, which shall include the terms  
10 of bail and reasons for those terms, as are the opinion(s) of the  
11 granting court or justice; otherwise he shall be committed to jail  
12 for trial. All written testimony of courts and justices relative to  
13 the setting of bail in accord with this section shall be public record.

1 SECTION 2. Section 58 of Chapter 276 of the General Laws,  
2 as appearing in the 1988 Official Edition, is hereby amended by  
3 inserting in line 35, after the word "bond.," the following: — Any  
4 court or justice offering bail to a prisoner in criminal cases must  
5 provide written attestation to the offering of such bail, which shall  
6 include the terms of bail and the reasons for those terms, as are  
7 the opinion(s) of the granting court or justice. All written  
8 testimony of courts and justices, relative to the setting of bail, in  
9 accordance with section 42, shall be public record.

1 SECTION 3. Section 58 of Chapter 276 of the General  
2 Laws, as appearing in the 1988 Official Edition, is hereby  
3 amended by inserting in line 80, after the word “involved.”, the  
4 following: — All written testimony of courts and justices relative  
5 to the setting of bail, in accordance with section 42, shall be public  
6 record.

1 SECTION 4. Section 58 of Chapter 276 of the General Laws,  
2 as appearing in the 1986 Official Edition, is hereby amended by  
3 inserting in line 138, after the word “recognizance”, the  
4 following: —in accord with the provisions of section 42, . . .

1 SECTION 5. Section 58 of Chapter 276 of the General Laws,  
2 as appearing in the 1988 Official Edition, is hereby amended by  
3 inserting in line 159, after the word “effect.”, the following: —  
4 Any court or justice making a further order of bail to a prisoner  
5 in criminal cases must provide written attestment to the order of  
6 such bail, which shall include the terms of bail and the reasons  
7 for those terms, as are the opinion(s) of the granting court or  
8 justice. All written testimony of court and justices, relative to the  
9 setting of bail, in accordance with section 42, shall be public  
10 record.