

HOUSE No. 712

By Mr. Tilden of Scituate, petition of the County Commissioners and Sheriffs Association for legislation to amend the law providing for emergency jurors. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT AMENDING THE LAW PROVIDING FOR EMERGENCY JURORS.

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 twenty-six B of chapter two hundred and
2 thirty-four of the General Laws, as appearing in
3 section one of chapter four hundred and twenty-
4 eight of the acts of nineteen hundred and forty-five,
5 is hereby amended by striking out the last sentence
6 thereof and substituting the following sentence:—
7 If at the time of the final submission of the case by
8 the court to the jury more than twelve members of
9 the jury who have heard the whole case are alive and
10 not incapacitated or disqualified, the court shall
11 direct the clerk to place the names of all of the re-
12 maining jurors, except the foreman, in a box and
13 draw the names of a sufficient number to reduce the
14 jury to twelve members, and the court shall there-
15 upon retain the jurors whose names are so drawn,
16 and the court shall have jurisdiction to substitute

17 either of said jurors so retained for any juror who
18 dies or is incapacitated or disqualified before the
19 verdict is received and to receive the verdict of the
20 jury composed of the substituted members and the
21 other remaining members, and shall have jurisdic-
22 tion to render judgment in said case, — so as to read
23 as follows:— *Section 26B.* In a civil case, or in a
24 criminal case, including a capital case, to be tried
25 with a jury in the superior court which in the opinion
26 of the court is likely to be protracted, the court may
27 so certify and may order impanelled a jury of not
28 exceeding fourteen members and the court shall
29 have jurisdiction to try the case with such jury sub-
30 ject to the following provisions of this section. If
31 at the time of the final submission of the case by the
32 court to the jury more than twelve members of the
33 jury who have heard the whole case are alive and
34 not incapacitated or disqualified, the court shall
35 direct the clerk to place the names of all of the re-
36 maining jurors, except the foreman, in a box and
37 draw the names of a sufficient number to reduce the
38 jury to twelve members, and the court shall there-
39 upon retain the jurors whose names are so drawn,
40 and the court shall have jurisdiction to substitute
41 either of said jurors so retained for any juror who
42 dies or is incapacitated or disqualified before the
43 verdict is received and to receive the verdict of the
44 jury composed of the substituted members and the
45 other remaining members, and shall have jurisdiction
46 to render judgment in said case.