

By Mr. Kirby, a petition (accompanied by bill, Senate, No. 780) of Edward P. Kirby for legislation to further regulate the granting of bail. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT FURTHER REGULATING THE GRANTING OF BAIL.

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 58 of Chapter 276 of the General Laws, as appearing
2 in the 1988 Official Edition is hereby amended by adding to section
3 58 the following new section:

4 Section 58A. Release or Detention of Defendant Pending
5 Trial.

6 No person held under arrest shall remain at liberty on bail or
7 personal recognizance pending trial unless the court after hearing
8 shall determine that:

9 (1) no substantial risk exists that the person will flee the juris-
10 diction prior to trial if he is released;

11 (2) the person's release pending trial will pose no substantial
12 danger to any other persons or the community, for purposes of
13 this section, the phrase "danger to the community" shall be defined
14 to include but not restricted to "drug trafficking", and

15 (3) no substantial risk exists that the person will engage in acts
16 of criminality pending trial.

