

**HOUSE . . . . . No. 1638**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Eugene L. O'Flaherty**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to te authority of clerks magistrates.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1555 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO THE AUTHORITY OF CLERKS MAGISTRATES.

*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. CHAPTER 211B, SECTION 10A IS HEREBY AMENDED BY STRIKING LINE 1 THROUGH 13  
2 AND INSERTING IN ITS PLACE THE FOLLOWING:  
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5 A FIRST JUSTICE, IN ADDITION TO HIS JUDICIAL POWERS AND DUTIES AS A JUSTICE OF THE  
6 TRIAL COURT AND IN ADDITION TO HIS GENERAL POWERS OF SUPERINTENDENCE AS FIRST  
7 JUSTICE OF A PARTICULAR COURT WITHIN THE TRIAL COURT, SHALL, SUBJECT TO THE  
8 SUPERINTENDENCE OF THE SUPREME JUDICIAL COURT AS PROVIDED IN SECTION 3 OF CHAPTER  
9 211 AND THE ADMINISTRATIVE AUTHORITY OF THE CHIEF JUSTICE OF THE FIRST JUSTICE'S  
10 DEPARTMENT OF THE TRIAL COURT, BE THE ADMINISTRATIVE HEAD OF HIS COURT; PROVIDED,  
11 HOWEVER, EACH CLERK, RECORDER AND REGISTER SHALL HAVE THE EXCLUSIVE AND SOLE  
12 AUTHORITY FOR THE PREPARATION AND EXPENDITURE OF SUCH MONIES AS THE GENERAL  
13 COURT MAY ANNUALLY APPROPRIATE FOR THEIR RESPECTIVE OFFICES AND SHALL HAVE THE  
14 RESPONSIBILITY FOR THE ADMINISTRATION OF THEIR SAID OFFICES, INCLUDING, BUT NOT  
15 LIMITED TO, THE HIRING AND SUPERVISION OF PERSONNEL, BUDGETING, SUPPLIES, EQUIPMENT,  
16 STAFF SERVICES AND RECORD KEEPING, SAID RECORD KEEPING SHALL INCLUDE THE KEEPING  
17 OF PERSONNEL RECORDS AND TIME ATTENDANCE RECORDS. EACH CLERK, RECORDER AND  
18 REGISTER SHALL BE THE SOLE AND EXCLUSIVE APPOINTING AUTHORITY OF PERSONNEL IN  
19 THEIR RESPECTIVE OFFICES AND FURTHER PROVIDED, SUBJECT TO AVAILABLE FUNDING, SAID  
20 HIRING AND OR APPOINTMENT OF PERSONNEL, SHALL NOT BE WITHHELD BY THE FIRST  
21 JUSTICE. A FIRST JUSTICE OR CLERK, RECORDER OR REGISTER OF THE COURT MAY SUBMIT ANY  
22 DISPUTE THAT ARISES BETWEEN SAID FIRST JUSTICE AND SAID CLERK, RECORDER OR REGISTER  
23 CONCERNING THE MANAGEMENT AND ADMINISTRATION OF THE OFFICE OF CLERK,  
24 RECORDER, OR REGISTER, THE DUTIES, POWERS AND OBLIGATIONS OF THE CLERK, RECORDER,  
25 OR REGISTER, OR A MEMBER OF THEIR STAFF, OR THE INTERPRETATION OF THE PERSONNEL  
26 STANDARDS PROVIDED FOR UNDER SECTION 8 OF CHAPTER 211B, TO THE CHIEF OF THE  
27 JUSTICE DEPARTMENT.