

HOUSE No. 02243

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher Markey

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 requiring only a justice to remove a trial default of a defendant who fails to appear at trial

.

PETITION OF:

NAME:

Christopher Markey

DISTRICT/ADDRESS:

9th Bristol

HOUSE No. 02243

By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 2243) of Markey relative to restricting the issuance of bail for persons arrested as a result of a trial default warrant Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act requiring only a justice to remove a trial default of a defendant who fails to appear at trial
□.

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

- 1 To add after “or by a justice of the court that issued the warrant.” of paragraph three of section
- 2 twenty nine of chapter two hundred and seventy six with the following language:
- 3 "A person who is arrested as a result of a trial default warrant, shall only be subject to bail by a
- 4 justice in the issuing court or a justice in the district in which such warrant was executed, and
- 5 prior to any release such person may be required to pay all or a portion of any cost imposed by
- 6 the issuing justice, unless remitted by the presenting justice. Such type of trial default warrant
- 7 shall be distinctly and separately identified as “Trial Default Warrant” on the docket sheet and in
- 8 Criminal Offender Registration Index, and in the Massachusetts Warrant System (MWS). A
- 9 “Trial Default Warrant” is a default warrant issued by a justice, on the day a person is scheduled
- 10 to appear in court for a trial and such person fails to appear for trial, and the Commonwealth
- 11 provides a list of witnesses who have appeared with a certification that the Commonwealth was

- 12 ready for trial, and such failure to appear is without justifiable excuse. Such certification of the
- 13 Commonwealth must be placed with the clerk on the day of the warrant is issued."