

**HOUSE . . . . . No. 03281**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Thomas J. Calter and*

*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 a jury trial.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>

# HOUSE . . . . . No. 03281

By Messrs. Calter of Kingston and deMacedo, a petition (accompanied by bill, House, No. 3281) of Daniel K. Webster and others relative to waivers of trial by jury. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act relative to a jury 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 SECTION 1. Section 55A of chapter 119 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by striking out the first 2 sentences and inserting in place thereof the  
3 following 3 sentences:- Trial of a child complained of as a delinquent child or indicted as a  
4 youthful offender in a division of the juvenile court department shall be by a jury, unless the  
5 child files a written waiver and consent to be tried by the court without a jury. Such waiver shall  
6 not be effective over the objection of the commonwealth. Such waiver shall also not be received  
7 unless the child is represented by counsel or has filed, through his parent or guardian, a written  
8 waiver of counsel.

9 SECTION 2. Subsection (c) of section 56 of said chapter 119 of the General Laws, as so  
10 appearing, is hereby amended by inserting, after the word “shall” in line 19, the following  
11 words:- , in the absence of an objection from the commonwealth, .

12 SECTION 3. The first paragraph of section 26A of chapter 218 of the General Laws, as so  
13 appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof  
14 the following 3 sentences:- Trial of criminal offenses in the Boston municipal court department  
15 and in the district court department shall be by a jury of six persons, unless the defendant files a  
16 written waiver and consent to be tried by the court without a jury. Such waiver shall not be  
17 effective over the objection of the commonwealth. Such waiver shall also not be received unless  
18 the defendant is represented by counsel or has filed a written waiver of counsel.

19 SECTION 4. Section 6 of chapter 263 of the General Laws, as so appearing, is hereby amended  
20 by inserting, after the second sentence, the following sentence:- No such waiver shall be  
21 effective over the objection of the commonwealth.

22 SECTION 5. The third sentence of said section 6 of said chapter, as so appearing, is hereby  
23 amended by striking out the words “If the court consents to the waiver, ” and inserting in place  
24 thereof the following words:- If the commonwealth does not object and the court consents to the  
25 waiver, .

26 SECTION 6. Section 2 of chapter 278 of the General Laws, as so appearing, is hereby amended  
27 by adding, after the word “law” in line 5, the following words:- and the commonwealth does not  
28 object to the waiver of the jury .

29 SECTION 7. Section 11A of chapter 278 of the General Laws, as so appearing, is hereby  
30 amended by striking out the fifth sentence and inserting in place thereof the following sentence:-  
31 A defendant may waive trial by jury unless the commonwealth objects.