

**HOUSE . . . . . No. 4238**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael S. Day and Sheila C. Harrington*

*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 adoption of the accompanying bill:

An Act to improve and modernize the information technology systems and capacities of the judiciary.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>

**HOUSE . . . . . No. 4238**

By Representatives Day of Stoneham and Harrington of Groton, a petition (subject to Joint Rule 12) of Michael S. Day and Sheila C. Harrington relative to the information technology systems and capacities of the judiciary. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act to improve and modernize the information technology systems and capacities of the judiciary.

*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. To provide for a program to improve and modernize the information  
2 technology infrastructure of the supreme judicial court, appeals court, and trial court of the  
3 commonwealth, the sums set forth in this act, for the several purposes and subject to the  
4 conditions specified in this act, are hereby made available, subject to the laws regulating the  
5 disbursement of public funds, which sums shall be in addition to any other amounts previously  
6 made available for these purposes; provided, however, that the amounts specified for a particular  
7 project may be adjusted to facilitate projects authorized in this act.

8 SECTION 2.

9 JUDICIARY.

10 0330-XXXX For costs associated with establishing digital courthouses and courtrooms;  
11 provided that, projects funded from this item include an access to justice portal to enable

12 electronic file storage and electronic access to case information by court users via an access to  
13 justice portal; provided further, that projects funded from this item include a remote video  
14 interpreting system; provided further, that projects funded from this item include a content  
15 management system to manage electronically filed documents, forms, and evidence with a  
16 workflow engine to manage court operations and enable system wide real time docketing and  
17 real time data access; provided further, that projects funded from this item include wireless  
18 internet access in courthouses for court staff and court users; provided further, that projects  
19 funded from this item include digital signage in all courthouses; provided further, that projects  
20 funded from this item include the costs associated with planning for the replacement of a case  
21 management system for the trial court; provided further, that projects funded from this item  
22 include replacement of the appellate court case management system; provided further, that  
23 projects funded from this item include a supreme judicial court digital reporting system that  
24 permits self-publishing for the supreme judicial court and appeals court; provided further, that  
25 projects from this item are funded in consultation, as applicable, with the secretary of technology  
26 services and security .....\$94,000,000

27 SECTION 3.

28 0330-XXXX For costs associated with establishing a modern and secure judiciary;  
29 provided that, projects funded from this item include costs associated with establishing digital  
30 security systems to protect court systems, networks and data; provided further, that projects  
31 funded from this item include court system wide replacement of physical security hardware that  
32 includes video surveillance systems, duress systems, security scanning systems, and inter-  
33 personnel communications equipment; provided further, that projects funded from this item  
34 centralized law enforcement communication systems system; provided further, that projects

35 from this item are funded in consultation, as applicable, with the secretary of technology services  
36 and security .....\$35,000,000

37 SECTION 4.

38 0330-XXXX For costs associated with the technological modernization of court  
39 administrative operations; provided that, projects funded from this item include a court system  
40 wide voice over internet protocol phone systems; provided further, that projects funded from this  
41 item include an energy management systems; provided further that, projects funded from this  
42 item include a data storage system of sufficient capacity to meet the needs of the court system;  
43 provided further, that projects funded from this item include costs associated with enterprise  
44 resource planning; provided further, that projects funded from this item include costs associated  
45 with establishing a virtual private network to enable court employee remote access to court  
46 systems and data; and provided further, that projects funded from this item include costs  
47 associated with increased bandwidth capacity in all court locations to accommodate a digital  
48 court system; provided further, that projects from this item are funded in consultation, as  
49 applicable, with the secretary of technology services and security .....\$35,000,000

50 SECTION 5. To meet the expenditures necessary in carrying out section 2, the state  
51 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an  
52 amount to be specified by the governor from time to time, but not exceeding, in the aggregate,  
53 the sum of \$94,000,000. All bonds issued by the commonwealth, under this section, shall be  
54 designated on their face, Judiciary Information Technology and Innovation Act of 2019, and  
55 shall be issued for such maximum terms of years not exceeding 5 years, as the governor may  
56 recommend to the general court under section 3 of Article LXII of the Amendments to the

57 Constitution, but all such bonds shall be payable not later than June 30, 2024. All interest and  
58 payments on account of principal of these obligations shall be payable from the General Fund  
59 unless otherwise specified. Bonds and interest thereon issued under the authority of this section,  
60 notwithstanding any other provision of this act, shall be general obligations of the  
61 commonwealth.

62 SECTION 6. To meet the expenditures necessary in carrying out section 3, the state  
63 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an  
64 amount to be specified by the governor from time to time, but not exceeding, in the aggregate,  
65 the sum of \$35,000,000. All bonds issued by the commonwealth, under this section, shall be  
66 designated on their face, Judiciary Information Technology and Innovation Act of 2019, and  
67 shall be issued for such maximum terms of years not exceeding 5 years, as the governor may  
68 recommend to the general court under section 3 of Article LXII of the Amendments to the  
69 Constitution, but all such bonds shall be payable not later than June 30, 2024. All interest and  
70 payments on account of principal of these obligations shall be payable from the General Fund  
71 unless otherwise specified. Bonds and interest thereon issued under the authority of this section,  
72 notwithstanding any other provision of this act, shall be general obligations of the  
73 commonwealth.

74 SECTION 7. To meet the expenditures necessary in carrying out section 2, the state  
75 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an  
76 amount to be specified by the governor from time to time, but not exceeding, in the aggregate,  
77 the sum of \$35,000,000. All bonds issued by the commonwealth, under this section, shall be  
78 designated on their face, Judiciary Information Technology and Innovation Act of 2019, and  
79 shall be issued for such maximum terms of years not exceeding 5 years, as the governor may

80 recommend to the general court under section 3 of Article LXII of the Amendments to the  
81 Constitution, but all such bonds shall be payable not later than June 30, 2024. All interest and  
82 payments on account of principal of these obligations shall be payable from the General Fund  
83 unless otherwise specified. Bonds and interest thereon issued under the authority of this section,  
84 notwithstanding any other provision of this act, shall be general obligations of the  
85 commonwealth.

86 SECTION 8. Section 9B of chapter 4 of the General Laws, as appearing in the 2018  
87 Official Edition, is hereby amended by inserting after first sentence the following sentence: -

88 “Electronically imprinting the established seal of a court in a form authorized by the  
89 Supreme Judicial Court, the Trial Court, or any department of the Trial Court, shall be taken and  
90 held to be the seal of such court.”

91 SECTION 9. Section 7 of chapter 185 of the General Laws, as appearing in the 2018  
92 Official Edition, is hereby amended by inserting after the word “court” in line 7, the following  
93 words:-, or electronically maintained by the recorder’s office.

94 SECTION 10. Section 9 of chapter 185 of the General Laws, as appearing in the 2018  
95 Official Edition, is hereby amended by striking out section 9 and inserting in place thereof the  
96 following section:-

97 Section 9. An authorized facsimile or electronic rendering of the recorder’s signature on  
98 any court records, orders, decisions, documents, legal papers, or copies thereof, or upon any writ,  
99 summons, order of notice, order of attachment, or execution, shall have the same validity as a  
100 written signature of the recorder.

101 SECTION 11. Section 6 of chapter 185C of the General Laws, as appearing in the 2018  
102 Official Edition, is hereby amended by inserting after the word “affixed”, in lines 2-3, the  
103 words:- , or electronically imprinted,

104 SECTION 12. Section 14 of chapter 185C of the General Laws, as appearing in the 2018  
105 Official Edition, is hereby amended by inserting after the phrase “papers” in line 5, the following  
106 words:-, whether in physical or electronic form,

107 SECTION 13. Section 14 of chapter 185C of the General Laws, as appearing in the 2018  
108 Official Edition, is hereby amended by inserting after the word “thereof”, in line 17, the  
109 following words:-, whether in physical or electronic form,

110 SECTION 14. Section 14 of chapter 185C of the General Laws, as appearing in the 2018  
111 Official Edition, is hereby amended by inserting after the word “facsimile” in line 20, the  
112 following words:-, or electronic rendering

113 SECTION 15. Section 14 of chapter 185C of the General Laws, as appearing in the 2018  
114 Official Edition, is hereby amended by deleting after the word “such”, in line 20 the following  
115 word:-, facsimile

116 SECTION 16. Section 22 of chapter 185C of the General Laws, as appearing in the 2018  
117 Official Edition, is hereby amended by inserting after the word “docket”, in line 3, the words:- ,  
118 including the electronic docket.

119 SECTION 17. Section 3A-(a) of chapter 212 of the General Laws, as appearing in the  
120 2018 Official Edition, is hereby amended by inserting after the word “signed”, in line 4, the  
121 words:- by hand, or by electronic means

122 SECTION 18. Section 26 of chapter 212 of the General Laws, as appearing in the 2018  
123 Official Edition, is hereby amended by inserting after the word “courts” in line 1, the following  
124 words:-, including electronic records,

125 SECTION 19. Section 26 of chapter 212 of the General Laws, as appearing in the 2018  
126 Official Edition, is hereby amended by inserting after the word “custody” in line 2, the following  
127 words:-, whether in physical or electronic form,

128 SECTION 20. Section 26 of chapter 212 of the General Laws, as appearing in the 2018  
129 Official Edition, is hereby amended by inserting after the word “seal”, in line 8, the words:- ,  
130 which may be electronically imprinted,

131 SECTION 21. Section 36 of chapter 215 of the General Laws, as appearing in the 2018  
132 Official Edition, is hereby amended by inserting after the word “books”, in line 6, the words:- or  
133 electronically

134 SECTION 22. Section 36 of chapter 215 of the General Laws, as appearing in the 2018  
135 Official Edition, is hereby amended by striking out in line 6, the words “kept therefor”.

136 SECTION 23. Section 36 of chapter 215 of the General Laws, as appearing in the 2018  
137 Official Edition, is hereby amended by inserting after the word “process”, in line 16, the words:-  
138 or electronically

139 SECTION 24. Section 53 of chapter 215 of the General Laws, as appearing in the 2018  
140 Official Edition, is hereby amended by inserting after the word “documents”, in line 4, the  
141 words:- , whether in physical or electronic form,



142 SECTION 25. Section 15 of chapter 217 of the General Laws, as appearing in the 2018  
143 Official Edition, is hereby amended by inserting after the word “papers”, in line 2, the words:- ,  
144 whether in physical or electronic form,

145 SECTION 26. Section 26 of chapter 217 of the General Laws, as appearing in the 2018  
146 Official Edition, is hereby amended by inserting after the word “signing”, in line 1, the words:-  
147 or electronic rendering

148 SECTION 27. Section 2A of chapter 218 of the General Laws, as appearing in the 2018  
149 Official Edition, is hereby amended by inserting after the word “papers” in line 6, the following  
150 words:-, whether in physical or electronic form,

151 SECTION 28. Section 12 of chapter 218 of the General Laws, as appearing in the 2018  
152 Official Edition, is hereby amended by inserting after the phrase “papers” in line 10, the  
153 following words:-, whether in physical or electronic form,

154 SECTION 29. Section 13 of chapter 218 of the General Laws, as appearing in the 2018  
155 Official Edition, is hereby amended by inserting after the word “kept” in line 3, the following  
156 words:-, in the Trial Court electronic document management system, or

157 SECTION 30. Section 14 of chapter 218 of the General Laws, as appearing in the 2018  
158 Official Edition, is hereby amended by inserting after the word “facsimile” in line 7, the  
159 following words:-, or electronic rendering

160 SECTION 31. Section 14 of chapter 218 of the General Laws, as appearing in the 2018  
161 Official Edition, is hereby amended by inserting after the word “facsimile” in line 8, the  
162 following words:-, or electronic

163 SECTION 32. Section 14 of chapter 218 of the General Laws, as appearing in the 2018  
164 Official Edition, is hereby amended by inserting after the word “facsimile” in line 12, the  
165 following words:-, or electronic rendering

166 SECTION 33. Section 14 of chapter 218 of the General Laws, as appearing in the 2018  
167 Official Edition, is hereby amended by inserting after the word “facsimile” in line 13, the  
168 following words:-, or electronic

169 SECTION 34. Section 44 of chapter 218 of the General Laws, as appearing in the 2018  
170 Official Edition, is hereby amended by inserting after the word “signed”, in line 2, the words:- by  
171 hand or electronically

172 SECTION 35. Section 14 of chapter 221 of the General Laws, as appearing in the 2018  
173 Official Edition, is hereby amended by inserting after the word “papers” in line 4, the following  
174 words:-, whether in physical or electronic form,

175 SECTION 36. Section 17 of chapter 221 of the General Laws, as appearing in the 2018  
176 Official Edition, is hereby amended by striking the word “A”, in line 1, and inserting the  
177 following words:- An authorized electronic rendering or a

178 SECTION 37. Section 20 of chapter 223 of the General Laws, as appearing in the 2018  
179 Official Edition, is hereby amended by inserting after the word “signed”, in line 2, the words:- by  
180 hand, or by electronic means,

181 SECTION 38. Section 6 of chapter 248 of the General Laws, as appearing in the 2018  
182 Official Edition, is hereby amended by inserting after the word “signed”, in line 2, the words:- by  
183 hand or electronically.

184 SECTION 39. Chapter 276 of the General Laws, as appearing in the 2018 Official  
185 Edition, is hereby amended by striking out section 22 and inserting in place thereof the following  
186 section:-

187 Section 22. Upon complaint made to any justice that a crime has been committed, he  
188 shall examine on oath the complainant and any witnesses produced by him or he shall examine  
189 the complainant's allegations if made under the pains and penalties of perjury, reduce the  
190 complaint to writing, and cause it to be subscribed by the complainant in person or  
191 electronically, and, if it appears that a crime has been committed, shall issue a summons or  
192 warrant in compliance with the provisions of the Massachusetts Rules of Criminal Procedure.

193 SECTION 40. Notwithstanding any law to the contrary, for cases that are electronically  
194 filed in any state court in the Commonwealth, any statutory requirement of a written signature on  
195 a document to be filed, or any statutory requirement of a written signature in communications  
196 between the court and a party, is satisfied if the document includes a signature in a form  
197 authorized by the Supreme Judicial Court, the Trial Court, or any department of the Trial Court.

198 SECTION 41. Sections 8-40 shall take effect 90 days after the effective date of this act.