

HOUSE No. 5046

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 20, 2022.

The committee on Ways and Means, to whom was referred the Bill to improve and modernize the information technology systems and capacities of the judiciary (House, No. 4499), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5046) [Bond Issue: General Obligation Bonds: \$164,000,000.00].

For the committee,

AARON MICHLEWITZ.

HOUSE No. 5046

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to improve and modernize the information technology systems and capacities of the judiciary, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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, trial court and departments
3 of the trial court of the commonwealth, the sums set forth in this act, for the several purposes and
4 subject to the conditions specified in this act, are hereby made available, subject to the laws
5 regulating the disbursement of public funds; provided, however, that the amounts specified in an
6 item or for a particular project may be adjusted in order to facilitate projects authorized in this
7 act. The sums made available in this act shall be in addition to any amounts previously made
8 available for these purposes.

9 SECTION 2.

10 JUDICIARY

11 0330-6000 For costs associated with establishing digital courthouses and courtrooms;
12 provided, that projects funded in this item shall include an access to justice portal to enable
13 electronic file storage and electronic access to case information by court users; provided further,
14 that projects funded in this item shall include a remote video interpreting system; provided
15 further, that projects funded in this item shall include a content management system to manage
16 electronically filed documents, forms and evidence with a workflow engine to manage court
17 operations and enable system wide real-time docketing and data access; provided further, that
18 projects funded in this item shall include wireless internet access in courthouses for court staff
19 and court users; provided further, that projects funded in this item shall include digital signage in
20 all courthouses; provided further, that projects funded in this item shall include the costs
21 associated with planning for the replacement of a case management system for the trial court;
22 provided further, that projects funded in this item shall include replacement of the appellate court
23 case management system; provided further, that projects funded in this item shall include a
24 supreme judicial court digital reporting system that permits self-publishing for the supreme
25 judicial court and appeals court; and provided further, that projects funded in this item shall be
26 funded in consultation, as applicable, with the secretary of technology services and
27 security.....\$94,000,000

28 SECTION 2A.

29 JUDICIARY

30 0330-6001 For costs associated with establishing a modern and secure judiciary;
31 provided, that projects funded in this item shall include costs associated with establishing a
32 digital security system to protect court systems, networks and data; provided further, that

33 projects funded in this item shall include court system-wide replacement of physical security
34 hardware which shall include, but not be limited to, video surveillance systems, duress systems,
35 security scanning systems and inter-personnel communications equipment; provided further, that
36 projects funded in this item shall include centralized law enforcement communication systems;
37 and provided further, that projects funded in this item shall be funded in consultation, as
38 applicable, with the secretary of technology services and security.....\$35,000,000

39 SECTION 2B.

40 JUDICIARY

41 0330-6002 For costs associated with the technological modernization of court
42 administrative operations; provided, that projects funded in this item shall include court system-
43 wide voice over internet protocol phone systems; provided further, that projects funded in this
44 item shall include an energy management system; provided further, that projects funded in this
45 item shall include a data storage system of sufficient capacity to meet the needs of the court
46 system; provided further, that projects funded in this item shall include costs associated with
47 enterprise resource planning; provided further, that projects funded in this item shall include
48 costs associated with establishing a virtual private network to enable court employee remote
49 access to court systems and data; provided further, that projects funded in this item shall include
50 costs associated with increased bandwidth capacity in all court locations to accommodate a
51 digital court system; and provided further, that projects funded in this item shall be funded in
52 consultation, as applicable, with the secretary of technology services and security....\$35,000,000

53 SECTION 3. Section 9B of chapter 4 of the General Laws, as appearing in the 2020
54 Official Edition, is hereby amended by adding the following sentence:- Electronically imprinting

55 the established seal of a court in a form authorized by the supreme judicial court, appeals court,
56 the trial court or any department of the trial court, shall be taken and held to be the seal of such
57 court.

58 SECTION 4. Section 7 of chapter 185 of the General Laws, as so appearing, is hereby
59 amended by inserting after the word “court”, in line 7, the following words:- , or may be
60 electronically maintained by the recorder’s office.

61 SECTION 5. Said chapter 185, as so appearing, is hereby further amended by striking out
62 section 9 and inserting in place thereof the following section:-

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

67 SECTION 6. Section 6 of chapter 185C of the General Laws, as so appearing, is hereby
68 amended by inserting after the word “affixed”, in lines 2 and 3, the following words:- or
69 electronically imprinted.

70 SECTION 7. Section 14 of said chapter 185C, as so appearing, is hereby amended by
71 inserting after the word “papers”, in line 5, the following words:- , whether in physical or
72 electronic form,.

73 SECTION 8. Said section 14 of said chapter 185C, as so appearing, is hereby further
74 amended by inserting after the word “thereof”, in line 17, the following words:- , whether in
75 physical or electronic form,.

76 SECTION 9. Said section 14 of said chapter 185C, as so appearing, is hereby further
77 amended by inserting after the word “facsimile”, in line 20, the following words:- or electronic
78 rendering.

79 SECTION 10. Said section 14 of said chapter 185C, as so appearing, is hereby further
80 amended by striking out, in line 21, the word “facsimile”.

81 SECTION 11. Section 22 of said chapter 185C, as so appearing, is hereby amended by
82 inserting after the word “docket”, in line 4, the following words:- , including the electronic
83 docket.

84 SECTION 12. Section 3A of chapter 212 of the General Laws, as so appearing, is hereby
85 amended by inserting after the word “signed”, in line 4, the following words:- , by hand or by
86 electronic means,.

87 SECTION 13. Section 26 of said chapter 212, as so appearing, is hereby amended by
88 striking out the first sentence and inserting in place thereof the following words:- The records of
89 courts, including electronic records, which are transferred to the superior court shall remain in
90 custody of the clerks, whether in physical or electronic form.

91 SECTION 14. Said section 26 of said chapter 212, as so appearing, is hereby further
92 amended by inserting after the word “seal”, in line 8, the following words:- , which may be
93 electronically imprinted,.

94 SECTION 15. Section 36 of chapter 215 of the General Laws, as so appearing, is hereby
95 amended by striking out the words “books kept therefor”, in line 6, and inserting in place thereof
96 the following words:- books or electronically.

97 SECTION 16. Said section 36 of said chapter 215, as so appearing, is hereby further
98 amended by inserting after the word “process”, in line 16, the following words:- or
99 electronically.

100 SECTION 17. Section 53 of said chapter 215, as so appearing, is hereby amended by
101 inserting after the word “documents”, in line 4, the following words:- , whether in physical or
102 electronic form,.

103 SECTION 18. Section 15 of chapter 217 of the General Laws, as so appearing, is hereby
104 amended by inserting after the word “papers”, in line 2, the following words:- , whether in
105 physical or electronic form,.

106 SECTION 19. Section 26 of said chapter 217, as so appearing, is hereby amended by
107 inserting after the word “signing”, in line 1, the following words:- or electronic rendering.

108 SECTION 20. Section 2A of chapter 218 of the General Laws, as so appearing, is hereby
109 amended by inserting after the word “papers”, in line 6, the following words:- , whether in
110 physical or electronic form,.

111 SECTION 21. Section 12 of said chapter 218, as so appearing, is hereby amended by
112 inserting after the word “papers”, in line 10, the following words:- , whether in physical or
113 electronic form,.

114 SECTION 22. Section 13 of said chapter 218, as so appearing, is hereby amended by
115 inserting after the word “kept”, in line 3, the following words:- in the trial court electronic
116 document management system or.

117 SECTION 23. Section 14 of said chapter 218, as so appearing, is hereby amended by
118 inserting after the word “facsimile”, in lines 7 and 12, in each instance, the following words:- or
119 electronic rendering.

120 SECTION 24. Said section 14 of said chapter 218, as so appearing, is hereby further
121 amended by striking out, in line 8, the word “facsimile”.

122 SECTION 25. Said section 14 of said chapter 218, as so appearing, is hereby further
123 amended by striking out the words “Said facsimile”, in line 13, and inserting in place thereof the
124 following word:- Such.

125 SECTION 26. Section 44 of said chapter 218, as so appearing, is hereby amended by
126 inserting after the word “signed”, in line 2, the following words:- by hand or electronically.

127 SECTION 27. Section 14 of chapter 221 of the General Laws, as so appearing, is hereby
128 amended by inserting after the word “papers”, in line 4, the following words:- , whether in
129 physical or electronic form,.

130 SECTION 28. Section 17 of said chapter 221, as so appearing, is hereby amended by
131 striking out the word “A”, in line 1, and inserting in place thereof the following words:- An
132 authorized electronic rendering or a.

133 SECTION 29. Section 20 of chapter 223 of the General Laws, as so appearing, is hereby
134 amended by inserting after the word “signed”, in line 2, the following words:- , by hand or by
135 electronic means,.

136 SECTION 30. Section 6 of chapter 248 of the General Laws, as so appearing, is hereby
137 amended by inserting after the word “signed”, in line 2, the following words:- , by hand or
138 electronically,.

139 SECTION 31. Notwithstanding any general or special law to the contrary, for cases that
140 are electronically filed in any state court in the commonwealth, any statutory requirement of a
141 written signature on a document to be filed, or any statutory requirement of a written signature in
142 communications between the court and a party, shall be satisfied if the document includes a
143 signature in a form authorized by the supreme judicial court, the appeals court, the trial court or
144 any department of the trial court.

145 SECTION 32. To meet the expenditures necessary in carrying out section 2, the state
146 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
147 amount to be specified by the governor, but not exceeding in the aggregate \$94,000,000. All
148 such bonds issued by the commonwealth, shall be designated on their face, Judiciary Information
149 Technology and Innovation Act of 2022, and shall be issued for a maximum term of years, not
150 exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of
151 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
152 June 30, 2032. All interest and payments on account of principal on these obligations shall be
153 payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall,
154 notwithstanding any general or special law to the contrary, be general obligations of the
155 commonwealth.

156 SECTION 33. To meet the expenditures necessary in carrying out section 2A, the state
157 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

158 amount to be specified by the governor, but not exceeding in the aggregate \$35,000,000. All
159 such bonds issued by the commonwealth shall be designated on their face, Judiciary Information
160 Technology and Innovation Act of 2022, and shall be issued for a maximum term of years, not
161 exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of
162 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
163 June 30, 2032. All interest and payments on account of principal on these obligations shall be
164 payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall,
165 notwithstanding any general or special law to the contrary, be general obligations of the
166 commonwealth.

167 SECTION 34. To meet the expenditures necessary in carrying out section 2B, the state
168 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an
169 amount to be specified by the governor, but not exceeding in the aggregate \$35,000,000. All
170 such bonds issued by the commonwealth shall be designated on their face, Judiciary Information
171 Technology and Innovation Act of 2022, and shall be issued for a maximum term of years, not
172 exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of
173 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
174 June 30, 2032. All interest and payments on account of principal on these obligations shall be
175 payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall,
176 notwithstanding any general or special law to the contrary, be general obligations of the
177 commonwealth.

178 SECTION 35. Sections 3 to 31, inclusive, shall take effect 90 days after the effective date
179 of this act.