HOUSE DOCKET, NO. 1002 FILED ON: 1/15/2013

HOUSE . . . . . No. 1502

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. 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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Christopher M. Markey	*9th Bristol*
Matthew A. Beaton	*11th Worcester*

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By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 1502) of Christopher M. Markey and Matthew A. Beaton relative to restricting the issuance of bail for persons arrested as a result of a trial default warrant. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2243* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

To add after "or by a justice of the court that issued the warrant." of paragraph three of section twenty nine of chapter two hundred and seventy six with the following language:

"A person who is arrested as a result of a trial default warrant, shall only be subject to bail by a justice in the issuing court or a justice in the district in which such warrant was executed, and prior to any release such person may be required to pay all or a portion of any cost imposed by the issuing justice, unless remitted by the presenting justice. Such type of trial default warrant shall be distinctly and separately identified as "Trial Default Warrant" on the docket sheet and in Criminal Offender Registration Index, and in the Massachusetts Warrant System (MWS). A "Trial Default Warrant" is a default warrant issued by a justice, on the day a person is scheduled to appear in court for a trial and such person fails to appear for trial, and the Commonwealth provides a list of witnesses who have appeared with a certification that the Commonwealth was ready for trial, and such failure to appear is without justifiable excuse. Such certification of the Commonwealth must be placed with the clerk on the day of the warrant is issued."