

**HOUSE . . . . . No. 1204**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Paul Brodeur*

*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 improving juror service responses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

**HOUSE . . . . . No. 1204**

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 1204) of Paul Brodeur and others for legislation to improve juror service responses. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act improving juror service responses.

*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 4 of chapter 234A of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words “the juror  
3 confirmation form” and inserting in place thereof the following words: - “a juror summons  
4 response.

5 SECTION 2. Section 21 of said chapter 234A, as so appearing, is hereby amended by  
6 striking out, in line 5, the words “, and an alternate month, day, and year.”.

7 SECTION 3. Section 22 of said chapter 234A, as so appearing, is hereby amended by  
8 striking out the first sentence and inserting in place thereof the following sentence:- The office  
9 of jury commissioner shall provide a confidential juror questionnaire to each prospective juror.

10 SECTION 4. Said chapter 234A is hereby further amended by striking out sections 24 to  
11 26, inclusive, as so appearing, and inserting in place thereof the following 3 sections:--

12           Section 24. Every grand or trial juror shall respond to the juror summons within 10 days  
13 of receipt. The office of jury commissioner shall provide a means for the juror to respond. If  
14 the juror is unable to complete and sign the response, the juror may authorize another person to  
15 complete and sign the response on his behalf. A notice of the juror's duty to respond to the  
16 summons within 10 days of receipt thereof shall appear prominently on the face of the juror  
17 summons. Grand and trial jurors may confirm their service by any other means approved by the  
18 jury commissioner including, but not limited to, telephonic and electronic means, and such  
19 confirmation shall be as valid and binding as if it were made in writing.

20           Section 25. A grand or trial juror from whom the office of jury commissioner has not  
21 received a response to the juror summons by the eighth week preceding the term of service for  
22 which the juror was summoned shall be summoned a second time. The second summons shall  
23 have the same content and form as the first summons, except the words "Second Summons" shall  
24 appear prominently on the face of the summons. The second summons shall be sent by first-  
25 -class mail, registered mail, or served by a sheriff or constable. A juror who receives a second  
26 summons shall respond to the second summons within 5 days of receipt thereof by any of the  
27 means set forth in section 24.

28           Section 26. On or before the sixth week preceding any term of grand or trial juror service,  
29 the office of jury commissioner may summon additional grand or trial jurors if it appears from  
30 the responses to the juror summonses that the number of previously summoned jurors who will  
31 report for service will be inadequate for the needs of the court. A juror who is summoned under  
32 this section shall respond to the juror summons within 10 days of receipt thereof. A grand or  
33 trial juror summoned under this section from whom the office of jury commissioner has not  
34 received a response to the juror summons by the third week preceding the term of service for

35 which he was summoned shall be summoned a second time. The second summons shall have  
36 the same content and form as the first summons, except the words “Second Summons” shall  
37 appear prominently on the face of the summons. The second summons shall be sent by first-  
38 class mail, registered mail, or served by a sheriff or constable. A juror who receives a second  
39 summons shall respond to the second summons within 5 days of receipt thereof by the any of the  
40 means set forth in section 24.

41 SECTION 5. Said chapter 234A is hereby further amended by striking out section 34, as  
42 so appearing, and inserting in place thereof the following section:-

43 Section 34. A trial juror shall have the right to one postponement of his term of juror  
44 service for not more than one year. The trial juror must exercise this right by responding to the  
45 juror summons and indicating an election to postpone. The month, day and year to which such  
46 service is to be postponed shall be indicated in the response to the juror summons. The office of  
47 jury commissioner shall have authority to effectuate such first postponements. If the  
48 postponement date so designated is improper, unavailable, or inconvenient for the court, the  
49 office of jury commissioner shall assign a date of service which is reasonably close to the  
50 postponement date selected by the trial juror. The jury commissioner, with the approval of the  
51 jury management advisory committee, shall have discretionary authority to limit the number of  
52 postponements allowed each day in each courthouse in order to maintain the integrity of the  
53 demographic cross-sections appearing in the juror pools.

54 SECTION 6. Section 36 of said chapter 234A, as so appearing, is hereby amended by  
55 striking out, in lines 1 and 2, the words “the juror confirmation form” and inserting in place  
56 thereof the following words:- a response to a juror summons.