

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Buoniconti, Stephen (SEN)

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 establishing uniform standards for bail proceedings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Buoniconti, Stephen (SEN)	Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00822 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING UNIFORM STANDARDS FOR BAIL PROCEEDINGS.

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 58 of chapter 276 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out the last sentence of the first paragraph.

3

4 SECTION 2. Said chapter 276 is hereby amended by inserting after section 58 the following section:-

5 Section 58 ½. If the justice of the superior court, or district court, or juvenile court, the master
6 in chancery, or the bail commissioner determines that cash bail is required, the defendant shall be
7 allowed to provide an equivalent amount in a surety bond. Further, the amount of bail set whether in
8 either cash or surety shall be the same.

9 The judge or other authorized court personnel shall set the amount of bail but the defendant
10 shall have the right to make the choice of how the bail should be paid, which could be either by cash or
11 corporate surety.

12

13 SECTION 3. Section 80 of chapter 276 of the General Laws, as appearing in the 2004 Official Edition is
14 hereby amended by adding to the end thereof the following language:- All such monies so deposited
15 with the state treasurer shall be kept in a separate account by said treasurer and annually transferred to
16 the victim and witness assistance fund established by section forty-nine of chapter ten and so far as
17 possible to be used to compensate or reimburse any victim of a crime perpetrated by a person whose
18 bail or surety bond has been defaulted under this section.

19

20 SECTION 4. Upon passage of this act, the chief justice of the superior court, the chief justice of the
21 district court, and the chief justice of the juvenile court shall provide notification to all court personnel
22 under their jurisdiction involved in the bail proceeding as to the new uniform standards and
23 requirements for acceptance of surety as set forth in this act. Said notification shall inform all related
24 personnel on how the uniform policy impacts their role in accepting bail and instruct those involved in
25 bail proceedings as to the absolute requirement imposed for acceptance of surety as an equivalent to
26 cash in the trial courts of the commonwealth.