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control and advanced waste treatment for phosphorous removal and nitrification during the operation and maintenance of said abatement facilities. Any such public entity seeking such reimbursement shall prior to the end of any calendar year submit a statement of the cost of such chemicals used by it for said facilities during the preceding fiscal year. The division shall verify the statements of costs submitted and report upon the same to the general court. Reimbursements under this program shall be paid from amounts appropriated therefor from the Local Aid Fund under the provisions of section eighteen A of chapter fifty-eight.

Approved July 9, 1982.

Chap. 298. AN ACT GOVERNING THE SELECTION AND
MANAGEMENT OF JURORS IN MIDDLESEX
COUNTY AND AUTHORIZING THE EXPANSION OF
THE MIDDLESEX COUNTY JUROR SYSTEM TO
ALL COUNTIES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter two hundred and thirty-four A, added by section two of chapter four hundred and fifteen of the acts of nineteen hundred and seventy-seven, and inserting in place thereof the following chapter:-

CHAPTER 234A.
OFFICE OF JURY COMMISSIONER FOR THE COMMONWEALTH.

Section 1. This chapter shall apply in every county in the commonwealth which has been designated as a participating county as hereinafter provided. Middlesex county shall be a participating county as of the effective date of this chapter. The supreme judicial court shall designate such further participating counties and the dates on which the various sections of this chapter shall become applicable within such participating counties. The supreme judicial court shall make such designations in a manner that will expand the application of this chapter to all counties in an orderly, prudent, and expeditious manner.

Whenever any section of this chapter shall become applicable within a participating county, all provisions of law which are inconsistent with such section shall cease to be effective within

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such participating county. Hereinafter in this chapter, the word "county" shall mean "participating county" unless specifically stated otherwise.

Section 2. The judicial districts for purposes of this chapter shall be the counties unless modified by the supreme judicial court. The supreme judicial court may, by rule of court, define judicial districts for purposes of this chapter which differ in geographical area and population from the counties in accordance with the following principles: a judicial district shall be the geographical area encompassing a designated list of cities and towns; a judicial district may be defined for, or associated with, a single court or court location, or it may be defined for, or associated with, several courts or court locations.

Every citizen shall have the opportunity to serve as a grand and trial juror in at least one judicial district. There shall be no proscription against citizens of certain cities and towns being eligible or subject to perform grand or trial juror service in more than one judicial district.

Section 3. Juror service in the participating counties shall be a duty which every person who qualifies under this chapter shall perform when selected. All persons selected for juror service on grand and trial juries shall be selected at random from the population of the judicial district in which they reside. All persons shall have equal opportunity to be considered for juror service. All persons shall serve as jurors when selected and summoned for that purpose except as hereinafter provided. No person shall be exempted or excluded from serving as a grand or trial juror because of race, color, religion, sex, national origin, economic status, or occupation. Physically handicapped persons shall serve except where the court finds such service is not feasible. The court shall strictly enforce the provisions of this section.

Section 4. As of the date of receipt of the juror summons, any citizen of the United States who is a resident of the judicial district or who lives within the judicial district more than fifty per cent of the time, whether or not he is registered to vote in any state or federal election, shall be qualified to serve as a grand or trial juror in such judicial district unless one of the following grounds for disqualification applies:-

1. Such person is under the age of eighteen years.
2. Such person is seventy years of age or older and indicates on the juror confirmation form an election not to perform juror service.
3. Such person is not able to speak and understand the English language.
4. Such person is incapable, by reason of a physical or

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mental disability, of rendering satisfactory juror service. Any person claiming this disqualification must submit a letter from a registered physician stating the nature of the disability and the physician's opinion that such disability prevents the person from rendering satisfactory juror service. In reaching such opinion, the physician shall apply the following guideline: a person shall be capable of rendering satisfactory juror service if such person is able to perform a sedentary job requiring close attention for six hours per day, with short work breaks in the morning and afternoon sessions, for three consecutive business days. For the purposes of this section, "physician" shall include any accredited Christian Science practitioner.

5. Such person is solely responsible for the daily care of a permanently disabled person living in the same household and the performance of juror service would cause a substantial risk of injury to the health of the disabled person. Any person claiming this disqualification must submit a letter from a registered physician stating the name, address, and age of the disabled person, the nature of the daily care provided by the prospective juror, and the physician's opinion that the performance of juror service would cause a substantial risk of injury to the health of the disabled person. Any person who is regularly employed at a location other than that of his household shall not be entitled to this disqualification.

6. Such person is outside the judicial district and does not intend to return to the judicial district at any time during the following year.

7. Such person has been convicted of a felony within the past seven years or is a defendant in pending felony case or is in the custody of a correctional institution.

8. Such person has served as a grand or trial juror in any state or federal court within the or previous three calendar years or the person is currently scheduled to perform such service. Any person claiming this disqualification must submit a letter or certificate from the appropriate clerk of court or jury commissioner verifying such prior or pending juror service unless such service was performed or is pending in a court of the commonwealth.

Section 5. There shall be an office of jury commissioner for the commonwealth, hereinafter called the office. The office shall have authority to implement the provisions of this chapter in the participating counties. It shall be a department within the judicial branch and under the supervision and control of the supreme judicial court. The office, with the approval of the supreme judicial court, may establish branch offices for all regions of the commonwealth.

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Section 6. A jury management advisory committee, consisting of six members, one of whom shall be appointed as chairman, shall be established as a standing committee of the supreme judicial court. The chairperson and committee members shall be appointed by the chief justice of the supreme judicial court and shall be chosen from among the justices of any trial or appellate court of the commonwealth.

The jury management advisory committee, hereinafter referred to as the committee, shall be authorized to assist and counsel the chief justice and the supreme judicial court in supervising the office of jury commissioner, to perform direct supervision of the office of jury commissioner pursuant to duties specified in this chapter and in matters delegated to the committee by the chief justice of the supreme judicial court. The committee is authorized to assist and counsel the office of jury commissioner in the implementation and administration of this chapter; to foster continuing study, research, and improvement of all aspects of the jury system; to encourage increased public interest and education in this field; to encourage improved cooperation and efficiency between the state and federal courts in matters of juror selection and management; and to encourage improved cooperation and efficiency between the judicial branch, other branches, and local units of government in the preparation and utilization of population lists and other materials. The committee may appoint such non-judicial members as it deems appropriate, provided, however, that these non-judicial members shall not vote on the official business of the committee. The office shall reimburse members of the jury management advisory committee for reasonable expenses incurred in the performance of their duties.

Section 7. The office of jury commissioner shall be composed of a jury commissioner and such staff positions as the jury commissioner, with the approval of the committee, shall find necessary for the implementation and administration of this chapter. The jury commissioner shall be appointed by the supreme judicial court for the term of five years. The salaries of all employees of the office, including the jury commissioner, shall be established pursuant to the classification and compensation plan applicable to employees of the supreme judicial court. The jury commissioner shall be the executive head of the office of jury commissioner.

Section 8. The supreme judicial court may make and amend rules of court not inconsistent with this chapter, designating the participating counties and regulating all aspects of the selection and management of grand and trial jurors. The jury commissioner, with the approval of the supreme judicial court,

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may promulgate regulations setting forth policies, procedures, and forms for the selection and management of grand and trial jurors at local levels, in the juror pools, in courtrooms, and in other appropriate circumstances in furtherance of the objectives of this chapter.

Section 9. The mayor, city manager, or other executive head of a city and the city clerk, jointly and severally, shall have the duty of fulfilling all obligations imposed upon such city under this chapter. The board of selectmen, town manager, or other executive head of a town and the town clerk, jointly and severally, shall have the duty of fulfilling all obligations imposed upon such town under this chapter. Obligations imposed upon cities and towns under this chapter shall include obligations established in the rules of the supreme judicial court and in the regulations of the jury commissioner made and duly promulgated under the provisions of this chapter. Cities and towns having boards of election commissioners or boards of registrars of voters may by letter to the jury commissioner signed by the executive head of the city or town delegate certain responsibilities under this chapter to such boards, but ultimate responsibility for compliance shall not be delegated.

Section 10. On or before the first day of June of each year, each city and town shall make a sequentially numbered list of the names, addresses, and dates of birth of all persons who were seventeen years of age or older as of the first day of January of the current year and who resided as of the first day of January of the current year in such city or town. The names of residents shall be listed and numbered, without duplication, in alphabetical order, one name to each number, along with such other information and in such form and format as shall be specified in the regulations of the jury commissioner. On or before the said date, each city and town shall submit one copy of this list to the office of jury commissioner and make a copy of such list available for inspection by members of the public. Hereinafter in this chapter, such list shall be referred to as the "numbered resident list" and a particular individual on such list shall be referred to as a "numbered resident". The cost of preparing the numbered resident list shall be paid by the city or town.

Section 11. On or before the first day of June of each year, each city and town having twenty thousand or more residents on its numbered resident list shall submit to the office of jury commissioner an automated copy of such list. Such automated copy, hereinafter in this chapter referred to as the "numbered resident file", shall be a data processing file contained on a magnetic computer tape or disk of such kind and in such format

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as shall be specified in the regulations of the jury commissioner. Any city or town having less than twenty thousand residents on its numbered resident list may comply with this section. Any city or town that complies with this section shall have fulfilled all of its obligations for submission of population data to the office of jury commissioner for the current year. The cost of preparing the numbered resident file shall be paid by the city or town. The office of jury commissioner shall return said computer tapes to the cities and towns within a reasonable time.

Section 12. On or before the first day of July of each year, the office of jury commissioner shall determine the number of prospective jurors to be drawn from each city and town. This number shall be as nearly as possible equal to the ratio of the population of the city or town to the entire population of the judicial district in which the particular city or town is situated, multiplied by the total number of prospective jurors required for the judicial district. The total number of prospective jurors required for each judicial district shall be determined by the jury commissioner as a matter of discretion. The population of the cities, towns, and judicial districts required under this section shall be determined from the numbered resident lists.

Section 13. On or before the first day of July of each year, the office of jury commissioner shall randomly select prospective jurors for each city and town from the corresponding numbered resident list or numbered resident file as follows: The office shall generate a sequence or list of random numbers for each city or town. On or before the said date, the office shall mail to each city or town that has not submitted a numbered resident file under section eleven of this chapter the particular sequence of random numbers generated for that city or town. The number of random numbers in each sequence shall be equal to the total number of prospective jurors to be drawn from the corresponding city or town. No random number shall appear twice in the same sequence. No random number in any sequence shall be greater than the highest number or total number of residents on the numbered resident list for the corresponding city or town. Each random number in each sequence shall correspond to the numbered resident having the identical number on the numbered resident list or numbered resident file of the city or town. Each such numbered resident, so identified and selected, shall be a prospective juror of the city or town. The method of generation of random numbers shall be approved by the jury commissioner and shall be specified in the regulations of the jury commissioner. Technical data on the integrity of the random number generation method used under this section shall be compiled by the office of jury commissioner. Such data shall

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be available to members of the public upon request.

Section 14. On or before the first day of August of each year, each city and town that has not submitted a numbered resident file pursuant to section eleven of this chapter shall submit to the office of jury commissioner a typewritten list of the randomly selected 'prospective jurors from such city or town. This list shall be typed on special forms, supplied by the office of jury commissioner without cost, in order that the list will be suitable for conversion into a data processing file by the office of jury commissioner. The content and format of such list and the special forms shall be specified in the regulations of the jury commissioner. The cost of typing the special forms shall be paid by the city or town. The cost of preparing a data processing file from the typewritten list shall be paid by the office of jury commissioner.

Section 15. On or before the first day of September of each year, the office of jury commissioner shall prepare the prospective juror list for each city and town. Each list shall contain the names, addresses, dates of birth, and related information for all randomly selected prospective jurors from the city or town. The list shall be in alphabetical order. The content and format of the prospective juror list shall be specified in the regulations of the jury commissioner. On or before the first day of October of each year, the office of jury commissioner shall mail two copies of the prospective juror list to each city and town. Each city and town shall make this list available for inspection by members of the public. The office of jury commissioner shall make the prospective juror list of any city or town available for inspection by members of the public upon request; provided, however, that such lists shall be available only to insure the integrity of the juror selection process and the accountability of the office of jury commissioner, and that the jury commissioner shall have discretionary authority to refuse to provide such lists for commercial or research purposes.

Section 16. On or before the first day of October of each year, the office of jury commissioner shall prepare the master juror list for each judicial district. The master juror list for a judicial district shall contain the aggregate of all prospective juror lists of cities and towns within the judicial district. Such list shall be randomly shuffled by the office of jury commissioner and stored as a data processing file on a magnetic tape or disk. After the random shuffling of the master juror list has occurred, the office of jury commissioner shall summon grand and trial jurors for a judicial district in sequence from the master juror list for the judicial district commencing with juror service to be

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performed on the first business day in January of the succeeding calendar year, unless the supreme judicial court shall order otherwise.

The office of jury commissioner may inhibit the summoning of a person on the master juror list on the ground that such person has been determined to be not-qualified to perform juror service under section four of this chapter in the current or previous three calendar years. The content and form of the master juror list shall be specified in the regulations of the jury commissioner. The method of generation of random numbers and the method of randomly shuffling the master juror list shall be specified in the regulations of the jury commissioner.

Section 17. At least twelve weeks prior to the time when the services of grand or trial jurors are required, the clerk of each court requiring such jurors shall send or deliver a letter of venire to the office of jury commissioner. The letter of venire shall state the number of jurors required for grand jury service or for trial jury service, the court, and the judicial district. In the case of grand juror service, the letter shall state the beginning date and the estimated length of the term. In the case of a special grand jury, the letter may require the jury commissioner to summon jurors to appear for service forthwith or within a lesser period than would otherwise be required under this section. In the case of trial juror service, the letter shall state the period or periods of juror service to which the letter applies and the number of jurors required for each day during each period. The letter shall contain any further information which the jury commissioner deems appropriate.

Section 18. At least twelve weeks prior to the commencement of any term of grand or trial juror service, the jury commissioner shall determine, as a matter of discretion, the numbers of jurors to be summoned from each judicial district for grand and trial juror service. In making these discretionary determinations, the jury commissioner shall consider, among other factors, the experience of each court with respect to the numbers of grand and trial jurors who are impanelled or whose services are used during the impanelling process as compared to the numbers of jurors who are summoned.

Section 19. At least twelve weeks prior to the commencement of any term of grand or trial juror service, the office of jury commissioner shall summon by first-class mail, grand and trial jurors from the corresponding master juror list to appear for juror service within each judicial district. The summons shall state whether the anticipated service is that of a grand or trial juror, the beginning date of the term; the name, address, hour and room number, if any, of the courthouse or office to which

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the juror is directed to report on the first day of service; the fact that a trial juror has the right to one postponement of his term of juror service for not more than one year; the fact that a knowing failure to obey the summons without justifiable excuse is a crime, which, upon conviction, may be punished by fine of not more than two thousand dollars; and such other information and instructions as are deemed appropriate by the jury commissioner.

Section 20. Enclosed with the juror summons shall be a notice of qualifications for juror service. A summary of section four of this chapter shall be included in the said notice. This notice shall contain any further information and directions that the jury commissioner deems appropriate.

Section 21. Enclosed with the juror summons shall be a juror confirmation form. When completed by the juror, this form shall certify whether or not the juror is qualified to serve as a trial or grand juror. The form shall contain the following: a place where the juror may insert the month, day, and year, and an alternate month, day, and year, to which the juror elects to postpone his juror service; a place where the juror may make or acknowledge a declaration that hardship would be imposed upon him if he were required to serve at the court location to which he was summoned; a place where the juror may designate a more convenient jury-trial location within the judicial district; a place where the juror may insert name and address corrections, if applicable; and such other information and instructions as the jury commissioner deems appropriate. The form shall also contain a place for the signature of the juror, and it shall be signed under the penalties of perjury.

Section 22. Enclosed with the juror summons shall be a confidential juror questionnaire. The information elicited by the questionnaire shall be such information as is ordinarily raised in voir dire examinations of jurors, including the juror's name, sex, age, residence, marital status, number and ages of children, education level, occupation, employment address, spouse's occupation, spouse's employment address, previous service as a juror, present or past involvement as a party to civil or criminal litigation, relationship to a police or law enforcement officer, and such other information as the jury commissioner deems appropriate. The questionnaire shall contain the prospective juror's declaration that the information supplied in the completed questionnaire is true to the best of his knowledge and that he understands that a wilful misrepresentation of a material fact therein is a crime, which, upon conviction, may be punished by a fine of not more than two thousand dollars. Immediately below such declaration, the questionnaire shall contain a place for the signature of the

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juror. A notice of the confidentiality of the completed questionnaire shall appear prominently on the face of the questionnaire.

Section 23. Unless the court orders otherwise, the clerk of court or an assistant clerk shall provide copies of the appropriate completed questionnaires to the trial judge and counsel for use during voir dire. Except for disclosures made during voir dire or unless the court orders otherwise, the information inserted by jurors in the questionnaires shall be held in confidence by the court, the clerk or assistant clerk, the parties, trial counsel, and their authorized agents. Upon completion of voir dire, the parties and their counsel shall return all copies of the completed questionnaire to the clerk or the assistant clerk. The clerk of court shall retain in a secure place all original completed questionnaires for each impanelled jury and alternate jurors until final disposition of the case. These completed questionnaires shall not constitute a public record. All copies of juror questionnaire, other than the copy retained by the trial judge and the original retained by the clerk, shall be destroyed as soon as practicable after the completion of voir dire.

Section 24. Every grand or trial juror shall return the juror confirmation form, duly completed and signed, within ten days after receipt by him of the juror summons. The office of jury commissioner shall provide a prepaid and addressed envelope for this purpose. If the juror is unable to complete and sign the form, he may authorize person to complete and sign the form on his behalf. A notice of the juror's duty to return the completed confirmation form within ten days of its receipt shall appear prominently on the face of the confirmation form. Where a juror is unable to return a juror confirmation form because of its loss or destruction or where there is insufficient time for the juror to confirm by mail, the office of jury commissioner may accept an oral confirmation from the juror by telephone or in person. Such oral confirmation shall be as valid and binding as if the confirmation were made in writing.

Section 25. Any grand or trial juror from whom the office of jury commissioner has not received a duly completed and signed juror confirmation form by the eighth week preceding the term of service for which the juror was summoned shall be summoned a second time. The second summons shall have the same content and form as the first summons, except the words "Second summons" shall appear prominently on the face of the summons. The second summons shall be sent by first-class mail, registered mail, or served by a sheriff or constable. A juror confirmation form and questionnaire shall be enclosed with the second

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summons. Any juror who receives a second summons shall return a duly completed and signed juror confirmation form within five days of its receipt.

Section 26. On or before the sixth week preceding any term of grand or trial juror service, the office of jury commissioner may summon additional grand or trial jurors if it appears from the returned juror confirmation forms that the number of previously summoned jurors who will report for service will be inadequate for the needs of the court. Any juror who is summoned under this section shall return a duly completed and signed confirmation form within ten days of its receipt by him. Any grand or trial juror summoned under the provision of this section from whom the office of jury commissioner has not received a duly completed and signed juror confirmation form by the third week preceding the term of service for which he was summoned shall be summoned a second time. The second summons shall have the same content and form as the first summons except the words "second summons" shall appear prominently on the face of the summons. The second summons shall be sent by first-class mail, registered mail, or served by a sheriff or constable. A juror who receives a second summons shall return a duly completed and signed juror confirmation form within five days of its receipt.

Section 27. The office of jury commissioner may summon additional grand and trial jurors to appear for juror service forthwith or at a time certain, with or without the right of postponement of juror service, with or without the opportunity to change the selection of the courthouse to which the juror has been assigned, in order to meet the urgent needs of the court. The office of jury commissioner shall employ whatever means of notice, including telephone notice, that is appropriate under the circumstances.

Section 28. The office of jury commissioner may cancel grand or trial juror service whenever it appears that the number of jurors scheduled to appear is in excess of the number reasonably required to conduct the business of the court without delay. The office of jury commissioner shall employ whatever means of notice, including telephone notice, that is appropriate under the circumstances. Any juror or standby juror whose service has been cancelled shall not be required to perform service at another time or place because of the cancellation, but such juror shall not be entitled to be disqualified under section four of this chapter if he should be randomly selected again within the succeeding three-year period.

Section 29. The office of jury commissioner may modify the date, location, or other condition of grand or trial juror service

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in order to meet the urgent needs of the court. The office of jury commissioner shall employ whatever means of notice, including telephone notice, that is appropriate under the circumstances.

Section 30. The office of jury commissioner or the court may impose a standby status condition on any trial or grand juror before or during his term of service. A juror on whom such condition has been imposed shall be referred to as a standby juror. The standby juror shall be prepared to serve on each day of his term or service, but he shall not appear for service unless directed to do so in the following manner. The standby juror shall make telephone inquiry to a designated office or court after three o'clock in the afternoon on the court day preceding his term of service in order to obtain specific instructions as to whether or not he should appear for juror service on the following court day. A juror may be continued on standby status from day to day, but his term of service shall not be enlarged because of the standby condition unless the juror has been impanelled on a case or unless ordered by the court. The designated office or court may use an automatic telephone answering device for the purpose of giving instructions to and receiving messages from standby jurors. A notice of standby status may be enclosed with the juror summons or may be sent separately. Any other form of standby notice reasonably contemplated to give actual notice may be used. The court shall have discretionary authority to excuse a juror from the standby condition upon a showing of unusual hardship caused by the condition, but such juror shall serve or be available to serve without the standby condition unless further excused by the court. The office of jury commissioner or the court may order a standby juror to serve or to appear for service upon a date and time certain without the necessity of telephone inquiry by the standby juror. The office of jury commissioner or the court may make further modifications of the standby condition as are reasonably contemplated to facilitate the management of cases before the court.

Section 31. On the first day of his term of grand or trial juror service, each juror shall bring to court and present to the officer in charge of jurors his summons, his confidential juror questionnaire, duly completed and signed, and any subsequent notices of postponement or location transfer received by him. Notice of these duties shall appear prominently on the summons, questionnaire, and notice of postponement, respectively.

Section 32. Any juror or other person who wilfully misrepresents a material fact in the confidential questionnaire for the purpose of either avoiding or securing service as a grand or

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trial juror shall be guilty of a crime, and, upon conviction, may be punished by a fine of not more than two thousand dollars.

Section 33. The court, the office of jury commissioner, and the clerk of court or assistant clerk shall have authority to inquire into the criminal history records of grand and trial jurors for the limited purpose of corroborating and determining their qualifications for juror service. Notwithstanding any other special or General Law to the contrary, the said authority shall include the right to request and receive such criminal history records and information from the criminal offender record information system as is necessary for the purpose of carrying out the provisions of this chapter. All criminal offender record information obtained under this section shall be held confidential by persons authorized hereunder.

Section 34. A trial juror shall have the right to one postponement of his term of juror service for not more than one year. The trial juror must exercise this right by duly completing and returning the juror confirmation form in which his election to postpone shall be indicated. The month and date, and an alternate month and date, to which the service is postponed shall be indicated in the confirmation form. The office of jury commissioner shall have authority to effectuate such first postponements. If the postponement date designated by a trial juror is improper, unavailable, or inconvenient for the court, the office of jury commissioner shall assign the alternate postponement date unless date is also improper, unavailable, or inconvenient in which case the office of jury commissioner shall assign a date of service which is reasonably close to the postponement date selected by the trial juror. The jury commissioner, with the approval of the jury management advisory committee, shall have discretionary authority to limit the numbers of postponements allowed each day in each courthouse in order to maintain the integrity of the demographic cross-sections appearing in the juror pools.

Section 35. Grand and trial jurors shall be summoned at random from the entire judicial district to perform juror service at any particular location within the judicial district, unless the supreme judicial court, by rule of court, orders otherwise. The office of jury commissioner and the court shall have discretionary authority to permit a juror to perform his juror service at a different jury-trial location within the judicial district upon a finding that hardship will be imposed upon the juror if he were required to serve at the original location. The jury commissioner, with the approval of the jury management advisory committee, shall have discretionary authority to limit the numbers of courthouse transfers allowed each day to or from each

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courthouse in order to maintain the integrity of the demographic cross-sections appearing in the juror pools.

Section 36. Not later than two weeks after the receipt of the juror confirmation form containing an election to postpone or a request to transfer juror service to a different location, the office of jury commissioner shall send a notice to the juror by first class mail. This notice shall state the date of postponement, if any, effectuated by the office of jury commissioner. The notice shall also state whether or not the request for a location transfer has been allowed and the current location to which the juror is assigned. The juror shall appear for service on the date and at the location indicated in this notice without further summoning. Such notice shall contain a statement to this effect prominently on its face.

Section 37. The legislative, executive, and judicial departments of the commonwealth and of the United States shall not be impeded by the provisions of this chapter from freely exercising their independent powers and duties. Any of the following persons who has been summoned as a juror or who is performing juror service and who certifies in writing to the court that there is important business of the commonwealth or the United States which requires his presence away from the court during his term of service shall be granted, as a matter of right, an immediate postponement of his term of service as a grand or trial juror: the governor, the lieutenant-governor, councillors, other state constitutional officers, senators, representatives, and justices of the supreme judicial court; the president, vice president, other constitutional officers of the United States, senators, representatives, and justices of the supreme court. In the certificate to the court, the persons requesting the postponement shall state a period of time reasonably contemplated for the completion of such official business. The length of the postponement granted by the court shall not be less than the period stated in the certificate. Any person who qualifies under this section may request and shall receive any number of postponements.

Section 38. A grand or trial juror may be permitted by the court to be available for juror service or continued juror service upon telephone notice. A juror who agrees to be available on telephone notice shall provide to the court a telephone number and a named individual by which he may be notified with certainty during court hours to begin or resume his juror service not more than one hour after such notice has been given. Such juror shall conduct his affairs during court hours so that he shall insure his compliance with the conditions of telephone notice.

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Section 39. The court or the office of jury commissioner shall have authority to defer or advance any term of grand or trial juror service upon a finding of hardship, inconvenience, or public necessity provided the juror recognizes his firm obligation to perform juror service on the new date. The court shall have authority to excuse a grand juror from juror service, in part or in full, upon a finding of hardship, inconvenience, or public necessity, taking into consideration the length of grand juror service. The court shall have authority to excuse a trial juror from juror service, in part or in full, upon a finding of extreme hardship; the court shall exercise this authority strictly. Notwithstanding the fact that a juror has been summoned as a grand or trial juror, with or without right of postponement of service, the court shall have the discretionary authority to require the juror to serve either as a grand or trial juror, immediately or at a future date, at the original court location or at a different court location. The court may impose reasonable conditions and limitations, including appropriate time limitations, upon a term of juror service. It shall be the policy of this chapter that every trial juror shall be prepared to serve three trial days; the court shall not grant term limitations of less than three trial days except upon a finding that extreme hardship would be imposed upon the juror in the absence of such limitation. The court shall have the discretionary authority to dismiss a juror at any time in the best interests of justice. The court shall have authority to excuse and discharge an impanelled juror prior to jury deliberations after a hearing upon a finding of extreme hardship. The court shall have authority to excuse and discharge a juror participating in jury deliberations after a hearing only upon a finding of an emergency or other compelling reason. The court shall have authority to discharge an impanelled juror who has not appeared for juror service upon a finding that there is a strong likelihood that an unreasonable delay in the trial would occur if the court were to await the appearance of the juror. At any time during the trial, the court shall discharge any juror whose term limitation has expired upon the demand of the juror except where the court finds unusual circumstances; such discharge shall not be a ground for mistrial or objection by any party. The court may exercise any authority granted in this section at any time before or during a juror's term of service.

Section 40. In the event a trial is expected by the court to last more than three trial days, the trial judge shall announce this fact to jurors before the jury is impanelled. The trial judge may excuse a juror from performing his juror service on such an extended trial upon a finding of hardship, inconvenience, or

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public necessity taking into consideration the expected length of the extended trial, but any juror so excused shall otherwise complete his term of juror service.

Section 41. The length of the term of service for trial jurors shall be one day unless a juror is assigned to or impanelled on an incompleated trial when the term ends or unless the court orders otherwise. Nothing in this section shall prevent a trial juror from serving or participating on more than one trial during his term, except that a trial juror who has participated in the rendering of a verdict shall not be required to participate in a second trial even though the juror may not have completed his first day of juror service at the time of commencement of the second trial. Jurors in the juror pool awaiting assignment to a trial shall be discharged as early in the afternoon as possible after it has been determined that their services as jurors will not be needed. The length of the term of service for grand jurors shall be three months unless the court enlarges such term. The court shall have authority to enlarge grand jurors' terms of service upon a finding that the efficient administration of justice requires such enlargement.

Section 42. The court shall take whatever actions are appropriate to enforce the provisions of this chapter. Upon a finding by the court that a juror will not appear to perform or complete juror service or in response to the court's order, the court may issue a warrant for the arrest of the juror or may take such other appropriate actions as are likely to compel the juror to appear before the court. Any grand or trial juror who fails to appear for juror service or who fails to perform any condition of his juror service shall be guilty of a crime, and upon conviction thereof, may be punished by a fine of not more than two thousand dollars.

Section 43. The office of jury commissioner may send a delinquency notice by certified or first-class mail or by delivery by a sheriff or constable to any grand or trial juror who has failed to appear for juror service based upon the records in the office of jury commissioner; provided, however, that the purpose of the delinquency notice shall be only to notify the juror of his delinquency status and to rectify the problem by appropriate means. The office of jury commissioner shall have discretionary authority to resolve problems with delinquent jurors or with jurors appearing to be delinquent in accordance with guidelines approved by the committee.

Section 44. The office of jury commissioner may prepare an application for the issuance of a criminal complaint against any grand or trial juror who has not been removed from delinquency status by the office of jury commissioner within thirty days after

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the date of a delinquency notice sent to such juror. The application shall aver that the named person was duly selected and summoned to perform trial or grand juror service at a specified location on a specified date and that such person has failed to appear for jury service without justifiable excuse in violation of section forty-two. The information provided in the application shall be based upon the records of the office of jury commissioner. The application shall contain the name, address, and identification number of the juror and a summary of all official transactions between the juror and the office of jury commissioner that have occurred as of the date of the application. At the bottom of the application, there shall be a certificate signed by the legal counsel for the office of jury commissioner declaring that the information provided in the application is true and complete to the best of his knowledge and belief. The application shall contain such further information as deemed appropriate by the jury commissioner with the approval of the jury management advisory committee. The application may be submitted by mail or personal delivery to any superior or district court having criminal jurisdiction over such juror. The office of jury commissioner shall send a copy of this application to the juror by first-class or certified mail. The legal counsel or his delegate shall be authorized to represent the jury commissioner and the office of jury commissioner in all judicial proceedings arising out of any application for the issuance of a criminal complaint under this section or otherwise.

Section 45. The office of jury commissioner shall perform studies, foster research, and implement new procedures which are contemplated to accomplish the following: improvement of all aspects of the administration of jurors; reduction of the costs of selection, management, and compensation of jurors; monitoring and improvement of the integrity of jury pools and jury panels; more effective utilization of jurors in the jury pools; improved understanding by jurors of their duties and of the court's charge and instructions; providing for the reasonable comfort and convenience of jurors during their terms of service; and providing jurors with a heightened appreciation of the judicial system.

Section 46. The committee or the court may delegate to the jury commissioner of the office of jury commissioner such authority as is appropriate for the efficient administration of this chapter in accordance with guidelines approved by the committee or the court.

Section 47. The compensation and reimbursement policy of this chapter shall be to prevent financial hardship being imposed upon any juror because of performance of juror service insofar

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as possible.

Where financial hardship exists, the court shall attempt to place the juror into the same financial position as such juror would have been were it not for the performance of juror service. The jury commissioner may issue regulations, not inconsistent with this chapter, further defining rights and obligations of jurors and employers with respect to compensation and reimbursements to jurors during such service.

Section 48. Each regularly employed trial or grand juror shall be paid regular wages by his employer for the first three days, or part thereof, of juror service. Regular employment shall include part-time, temporary, and casual employment as long as the employment hours of a juror reasonably may be determined by a schedule or by custom and practice established during the three-month period preceding the term of service of such juror. Each self-employed trial or grand juror shall compensate himself for the first three days, or part thereof, of juror service.

Section 49. The court shall have the authority to excuse an employer from the duty to compensate a juror-employee or to excuse a self-employed juror from the duty to compensate himself for the first three days, or part thereof, of trial or grand juror service upon a finding that extreme financial hardship would be imposed upon the employer or self-employed juror if such duty were not removed. If an employer or self-employed juror is so excused, the court shall award reasonable compensation in lieu of wages to the juror to be paid by the commonwealth for the first three days, or part thereof, of juror service. Such award shall not exceed fifty dollars per day of trial or grand juror service. The hearing on the employer's extreme financial hardship shall occur no later than thirty days after the tender of the juror service certificate to the employer.

Section 50. Each unemployed trial or grand juror upon application shall be reimbursed by the commonwealth for reasonable travel, child-care, and other necessary out-of-pocket expenses, except food, incurred during the first three days, or part thereof, of juror service. The office of jury commissioner, with the approval of the committee, shall establish guidelines for reimbursement of jurors under this section. Each reimbursement award falling outside such guidelines shall be approved by the court prior to such reimbursement. A reimbursement award under this section shall not exceed fifty dollars per day of juror service. Any juror who is not regularly employed, as provided in section forty-eight, including but not limited to retired persons, homemakers, students, and unemployed persons, shall be entitled to reimbursement upon application under this section. The application for reimbursement by a juror under this section

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shall be made prior to or during the judicial discretion hearings on the first morning of the term of service of such juror. An unemployed trial or grand juror receiving benefits under the laws of employment security of this commonwealth shall not lose such benefits on account of his performance of the first three days of juror service.

Section 51. Each trial juror who serves more than three days shall be paid by the commonwealth for the fourth day of service and each day thereafter at the rate of fifty dollars per day of service. A trial juror receiving payment under this section shall not be entitled to additional reimbursement for travel or other out-of-pocket expenses.

Section 52. Upon the commencement of grand juror service, each grand juror shall complete and sign a financial questionnaire under the penalties of perjury. The completed questionnaire shall contain the financial data necessary for the determination of a daily compensation rate for the grand juror to be paid by the commonwealth for the fourth and subsequent days of grand juror service. The questionnaire shall indicate whether or not the grand juror is employed and, if so, the regular daily wages of the juror and the daily compensation the juror expects to receive from his employer while performing grand juror service. The questionnaire shall indicate travel expenses, if any, in excess of those ordinarily incurred by the juror, as a result of grand juror service. The questionnaire shall be in such form and shall contain such further information as deemed appropriate by the jury commissioner with the approval of the committee. The court, clerk of court, or assistant clerk may make inquiry to a grand juror's employer for the purpose of corroborating or clarifying information supplied by the grand juror or to ascertain relevant policies of the employer. The information supplied by grand jurors in these questionnaires shall be held confidential by the court, clerk of court, and assistant clerks. A grand juror shall notify the court if at any time during the period of his grand juror service the information provided by the juror in the financial question changes or becomes obsolete. A notice of this duty shall appear prominently on the questionnaire. The completed questionnaires shall be kept on file in the office of the clerk of court for one year after the discharge of the grand jury. Completed questionnaires shall not constitute a public record.

Section 53. On the first day of grand juror service, the court shall hold a private hearing with each impanelled grand juror. The purpose of this hearing shall be to determine a daily compensation rate for each grand juror, not exceeding fifty dollars per day of service, to be paid by the commonwealth to

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the juror for the fourth and subsequent days of grand juror service. In this hearing the court shall consider the information contained in the grand juror financial questionnaire and other relevant information. For each day of service, a grand juror shall be entitled to receive, cumulatively from his employer and the commonwealth, an amount equal to the greater of the following two rates: fifty dollars per day or an amount not in excess of the regular daily wages plus daily travel expenses in excess of those ordinarily incurred by the juror; provided, however, that the contribution by the commonwealth to this amount shall not exceed fifty dollars per day.

Section 54. Each grand juror who serves more than three days shall be paid by the commonwealth for the fourth day of service and each day of service thereafter at the daily compensation rate for the particular grand juror determined under the section fifty-three.

Section 55. A juror, including a standby juror and a juror on telephone notice, shall not be compensated by the commonwealth or credited with a day of service except for days on which the juror actually appeared as directed to perform juror service, unless provided otherwise in this chapter. A juror who is absent from service because of serious illness or other compelling reason, as determined by the court or office of jury commissioner, shall be credited with a day of juror service. Jurors shall not be compensated by the commonwealth nor credited with a day of service for a holiday or for business day on which a trial has been adjourned except as hereinafter provided. An employed juror who will lose compensation for a holiday because he is performing juror service or who will not be permitted to return to work during an unexpected adjournment may be awarded credit for a day of service or may be awarded reasonable compensation, not exceeding fifty dollars per day, by the court upon a finding that financial hardship would be imposed upon the juror in the absence of such an award. An alternate juror shall receive the same payments and reimbursements from his employer and the commonwealth as a juror. A standby juror may be reimbursed by the court or the office of jury commissioner for reasonable telephone and travel expenses incurred as a result of the performance of the conditions of standby status even though the standby juror may not perform juror service. Such reimbursement shall not exceed fifty dollars per day.

Section 56. Notwithstanding other provisions of this chapter, the court shall have authority to make special awards of compensation and reimbursement to any juror or to any other person on behalf of a juror based on unusual circumstances, or

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awards of compensation and reimbursement for the fair administration of this chapter. The court may provide for reasonable costs and expenses including food, lodging, transportation, and amenities of sequestered jurors. The court may make special arrangements for handicapped and elderly jurors or handicapped and elderly dependents of jurors. The court may provide for the security, comfort, or emergency medical services for jurors. The court may reimburse a juror for reasonable out-of-pocket expenses incurred because of personal injury or property loss suffered by the juror while performing juror service upon a finding that the commonwealth is liable therefor or that it is in the best interests of the administration of the jury system of the commonwealth to do so.

Section 57. The juror service certificate shall contain the name and address of the juror; the name, address, and judicial district of the court in which the juror service was performed; the week in which the certificate applies; the number of days of jurors service performed by the juror during the said week, and the specific dates thereof; the total compensation received by the juror from the commonwealth during the said week; a declaration of the duty of an employer to compensate a juror-employee for the first three days, or part thereof, of trial juror service and the right of an employer to be excused from such duty by the court upon showing of extreme financial hardship; and any other information which the jury commissioner deems appropriate. Each juror service certificate shall be completed in duplicate, one copy for the juror, one copy for the employer of the juror.

Section 58. Each week, the office of jury commissioner shall mail juror service certificates to those grand and trial jurors who have performed juror service during the previous week. A juror who seeks compensation from his employer for juror service shall tender the employer's copy of the service certificate to his employer as soon as practical after its receipt. A notice of this duty shall appear prominently on the certificate.

Section 59. Grand and trial jurors in participating counties shall receive compensation due from the commonwealth by check on a weekly basis. Each check shall include all compensation for juror services and authorized reimbursements incurred by the juror during the previous week. The office of jury commissioner shall prepare and mail these checks. The comptroller of the commonwealth shall establish a separate account for jurors compensation and reimbursements under this chapter. The office of jury commissioner shall draw upon this account for all checks issued under this section. The checks may be issued with data processing equipment, and a printed or stamped facsimile signature of the jury commissioner shall be authorized. No

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check shall be valid if the amount is greater than three hundred and fifty dollars. The office of jury commissioner shall not be authorized to disburse monies for sequestered jurors expenses or other special awards ordered by the court; these disbursements shall be handled in the office of the clerk of court.

Section 60. Any employer who fails to compensate a juror-employee under the applicable provisions of this chapter and who has not been excused from such duty or compensation shall be liable to the juror-employee in tort. Upon the expiration of thirty days after the tender of the juror service certificate to the employer, the juror may commence a civil action in any superior or district court having jurisdiction over the parties. Extreme financial hardship on the employer shall not be a defense to this action. The court may award treble damages and reasonable attorney fees to the juror upon a finding of willful conduct by the employer.

Section 61. Any willful violation of section sixty of this chapter by an employer shall also constitute a violation of this section. A juror seeking a civil remedy against an employer shall have an election to proceed either under section sixty or under this section. An employer shall not deprive a juror-employee of his employment or any incidents or benefits thereof, nor shall an employer harass, threaten, or coerce an employee because the employee has received a juror summons, responds thereto, performs any obligation or election of juror service as a grand or trial juror, or exercises any right under any section of this chapter. An employer shall not impose compulsory work assignments upon any juror-employee nor shall the employer do any other intentional act which will substantially interfere with the availability, effectiveness, attentiveness, or peace of mind of the employee during the performance of his juror service. Any employer who violates this section shall be guilty of a crime and, upon conviction, may be punished by a fine of not more than five thousand dollars. Any employer who violates this section also shall be liable in tort to the juror-employee. The juror-employee may commence a civil action in the superior court for such damages and injunctive relief as may be appropriate. The court may award treble damages and reasonable attorney's fees to the juror upon a finding of willful conduct by the employer. The legal counsel for the office of jury commissioner may submit an application for the issuance of a criminal complaint in any court of competent jurisdiction against an employer who has violated this section or section sixty.

Section 62. Not later than ten days prior to the term of service of each trial juror, the office of jury commissioner shall mail to each juror a copy of the trial juror's handbook. The

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handbook shall notify the juror of his pending juror service. The handbook shall inform jurors in lay terminology of the nature and extent of their forthcoming duties and responsibilities. The handbook may introduce and orient jurors to basic trial procedures and legal terminology. The handbook shall contain maps and directions to the jury-trial locations and such other practical information as the jury commissioner deems appropriate. The full text of the handbook shall be specified in the regulations of the jury commissioner. Each trial juror shall read the handbook before he reports for juror service. The handbook shall be a public document. The jury commissioner may distribute copies of the handbook, and related educational materials, to public and private schools, civic organizations, the press, and others, in order to promote citizens awareness and understanding of all aspects of the juror system of this commonwealth. The jury commissioner may, with the approval of the committee, distribute or exhibit to jurors further educational materials, recordings, films, videotapes, lectures, and the like, as he deems appropriate to assist such persons in understanding and fulfilling their duties and obligations as jurors. Not later than ten days prior to each grand juror's term of service, the office of jury commissioner shall mail to each juror such educational materials and practical instructions as are deemed appropriate by the jury commissioner to assist grand jurors in carrying out their duties and responsibilities. These materials shall be approved by the committee. In the event of any conflict, the instructions or charge of the trial judge in a particular case shall be paramount and shall supersede the trial juror handbook or grand juror general information provided under this section.

Section 63. The office of jury commissioner, with the approval of the committee, may establish a sufficient number of telephone lines for the purposes of responding to juror inquiries, scheduling jurors' terms of service, disseminating general information and standby information to jurors, and for use in snow emergencies, other public emergencies, and personal problems and emergencies of jurors. Automatic telephone answering devices may be used where appropriate. These information lines may be toll-free where justified by the volume of use and public convenience. Juror information lines and automatic answering equipment may be located in juror pools or other appropriate locations outside of the office of jury commissioner.

Section 64. On the first morning of juror service, grand and trial jurors shall be oriented by the court as to their duties and responsibilities. The court may include such other general

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information and instruction as it deems appropriate. The court may use a videotaped presentation for this orientation. In the event of any conflict, the instructions or charge of the trial judge in a particular case shall supersede the general information provided to jurors in the orientation program. The office of jury commissioner, with the approval of the committee, may prepare such videotaped materials and other materials as are appropriate for use in the juror orientation programs. The office of jury commissioner may permit juror orientation materials to be used for educational purposes by schools, civic organizations, the press, and other groups in order to foster improved public understanding of the jury system. Unless the court orders otherwise, members of the public may be present in the juror pool during juror orientation programs for educational purposes.

Section 65. Following the juror orientation program, a member of the court shall personally appear before the jurors and make a brief welcoming address. The office of jury commissioner, with the approval of the committee, may prepare suggested guidelines for the format and content of the welcome to the jurors. Unless the court orders otherwise, members of the public may be present in the juror pool during the welcoming address for educational purposes.

Section 66. Following the welcome to the jurors, the court shall hold a private hearing with each juror or employer of a juror who requests to be heard. The purpose of such hearings shall be to dispose of all urgent personal problems of jurors and employers as to possible excuses, postponements, limitations on length of juror service, compensation, reimbursement, qualifications for juror service, or any other condition of juror service. The office of jury commissioner, with the approval of the committee, may prepare suggested guidelines for the judicial discretion hearing. The court may permit observers in the judicial discretion hearing for educational purposes as long as the identities of jurors are kept confidential by such observers and the personal decorum of the hearing is not lost thereby.

Section 67. Not later than ten days in advance of scheduled appearances by jurors, the office of jury commissioner shall send or deliver to the appropriate clerks of court a list of the grand and trial jurors expected to appear for service in the respective courts. The list shall contain the name, address, and date of birth of each juror and such other information as the jury commissioner, with the approval of the committee, deems appropriate. Unless the court orders otherwise, the list shall be available upon request for inspection by parties, counsel, their agents, and members of the public.

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Section 68. In every twelve-person jury case, the court shall impanel at least two additional jurors. In every six-person jury case, the court shall impanel at least one additional juror. Alternate jurors shall not be identified until immediately prior to jury deliberations in accordance with the following. If, at the time of the submission of the case by the court to the jury for its deliberations upon a verdict, more than the number of jurors required for deliberation are available, the court shall direct the clerk to place the names of all of the available jurors except the foreperson into a box or drum and to select at random the names of the appropriate number of jurors necessary to reduce the jury to the proper number of members required for deliberation in the particular case. The jurors so selected shall not be discharged, but shall be known as alternate jurors. The alternate jurors shall be kept separate from the jury in some convenient location, subject to the same rules and procedures as govern the jury during its deliberations, until the jury has agreed upon a verdict or has been otherwise discharged. If at any time after the submission of the case by the court to the jury for its deliberation upon a verdict, a juror is discharged by the court for any reason, the court shall direct the clerk to place all of the names of the alternate jurors in a box or drum and to select at random the name of an alternate juror. The alternate juror so selected shall take the place of the discharged juror on the jury. The jury, so constituted, shall begin its deliberations anew with full authority to render a verdict in the case. The court shall have jurisdiction to receive the verdict of the jury, as constituted under the provisions of this section, and shall have jurisdiction and full authority to render judgment in the case. Whenever it is appropriate for the court to direct a verdict, the court may do so without first reducing the number of jurors to the proper number required for deliberation in the case. Upon a finding of cause, the trial judge may impanel a lesser number of jurors than specified under this section. Nothing in this section shall prevent the court from rendering a valid judgment based upon a verdict rendered by fewer jurors than required under this section where all parties have by stipulation agreed to this procedure. Nothing in this section shall prevent the court from entering a valid judgment based upon a verdict rendered by fewer or more jurors than required under this section or based upon procedures other than that specified in this section where all parties have by stipulation agreed to such a number of jurors or to such procedures.

Section 69. A translator may assist a deaf juror during the juror orientation program, the juror's welcome, and the judicial discretion hearing. As a matter of discretion, the court may

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permit a translator to assist a deaf juror during the trial after a determination of the competency of the translator. In the presence of the jury, the court shall instruct the translator to make true, literal and complete translations of all testimony and other relevant colloquy to the deaf juror to the best of his ability. The court may permit a translator to be present and assist a deaf juror during the deliberations of the jury. In the presence of the jury, the court shall instruct the translator to refrain from participating in any manner in the deliberations of the jury and to refrain from having any communications, oral or visual, with any member of the jury regarding the deliberations of the jury except for the literal translations of jurors' remarks made during deliberations. The verdict of the jury shall be valid notwithstanding the presence of the translator during deliberations.

Section 70. Upon motion of a party, or whenever the court deems it appropriate, the court shall include in its charge to the jury an instruction which in substance states that no duly impanelled trial juror is better qualified to determine the truth of the facts in controversy or to deliberate upon a verdict solely because of his occupation or reputation. The court shall have discretion to express this instruction in whatever language it deems appropriate and to supplement, elaborate, or explain this instruction to the jury with reference to the particular case being submitted to it. This section shall not be construed as a limitation in any way upon the authority of the court to make such further charges as are appropriate.

Section 71. Whoever is guilty of fraud in the processing or selection of jurors or prospective jurors either by causing any name to be inserted into any list wrongfully, or by causing any name to be deleted from any list wrongfully, including wrongful data entry or the altering of any data processing machine or any set of instructions or programs which control data processing equipment for such wrongful purpose, shall have committed the crime of jury tampering, and, upon conviction thereof, may be punished by a fine of not more than ten thousand dollars, or imprisonment for not more than two years, or both. This section shall not limit any other provisions of law concerning the crime of jury tampering.

Section 72. All official records and papers compiled and maintained by the office of jury commissioner shall be preserved for three years after the calendar year to which they apply. Official records shall include records in automated form on magnetic tapes and disks.

Section 73. A party may challenge the composition of the juror pool by a motion for appropriate relief. This challenge

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shall be made and decided before any individual juror is examined, unless the court orders otherwise. The challenge shall be in writing, supported by affidavit, and shall specify the facts and demographic data constituting the ground of the challenge. The challenge shall be tried by the court and may, within the discretion of the court, be decided on the basis of the affidavits filed with the challenge. Upon the trial of such a challenge, witnesses may be examined on oath by the court and may be so examined by either party. If the challenge is sustained, the court shall discharge the entire juror pool.

Section 74. Any irregularity in compiling any list of jurors or prospective jurors; or any irregularity in qualifying, selecting, summoning, confirming, postponing, excusing, cancelling, instructing, impanelling, challenging, discharging, or managing jurors; or any irregularity in limiting any term of juror service, in length or other incident of the term; or the fact that a juror shall be found to be not qualified under section four of this chapter; or any defect in any procedure performed under this chapter shall not be sufficient to cause a mistrial or to set aside a verdict unless objection to such irregularity or defect has been made as soon as possible after its discovery or after it should have been discovered and unless the objecting party has been specially injured or prejudiced thereby.

Section 75. The use of data processing equipment, methods, services, forms, and electronic telecommunications systems by the office of jury commissioner for the implementation and administration of this chapter shall be specifically authorized. The office of jury commissioner may establish an on-line interactive data processing system in some or all of the participating counties. The office of jury commissioner, with the approval of the committee and with authorized approvals of representatives of the executive branch, may share in the use of the TELPAC telecommunications system of the commonwealth. The data processing center in the judicial branch, if possible, shall provide without cost to the office of jury commissioner such data processing capacity, file storage, and related services and supplies with highest priority access during regular business hours as shall be adequate for the orderly implementation and administration of this chapter in all participating counties. In the event the data processing center is unable to provide the aforementioned data processing services, the office of jury commissioner may, with the approval of the committee, procure these data processing services, in part or in full, from another governmental agency or from a private source, with or without the necessity for purchasing such services.

Section 76. The jury commissioner, may in accordance with

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applicable procurement laws and regulations of the commonwealth, enter into contracts for purchasing or procuring services, equipment, forms, and supplies, including services from the United States postal service, as are necessary or appropriate for the implementation and administration of this chapter.

Section 77. The jury commissioner, with the approval of the committee, may enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, state, county, or municipal government, and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities, staff assistance, equipment, and supplies in connection with any provisions of this chapter or for the general improvement of the jury system; provided, however, that the jury commissioner shall in applying for grants from any department, agency, or subdivision of the federal government comply with section six B of chapter twenty-nine. Such funds shall be deposited with the state treasurer and may be expended by the office of jury commissioner in accordance with the conditions of such gift, grant, contribution, or bequest, without specific appropriation.

Section 78. Each court that receives jurors under this chapter shall make a commitment of certain resources and good will for the efficient and courteous management of jurors. The court shall have a juror-pool room, jury boxes, deliberation rooms, and restroom facilities that are adequate in size, secure, clean, light, adequately heated and ventilated, and comfortable. An adequate full-time staff and emergency backup staff shall be specially trained and assigned to supervise jurors and to work cooperatively with and under the guidance of the office of jury commissioner. The juror-pool staff shall be provided with reasonable secretarial services, postage, office supplies, and telephone service. The court and its staff shall attempt to improve juror utilization and management. Attendance, compensation, utilization, and management data shall be provided in a timely manner to the office of jury commissioner. The court shall summon only the minimum number of jurors necessary, cancel jurors as soon as it has been determined that scheduled jurors are not needed, and discharge jurors as early in the day as possible after it has been determined that their services will not be required. The court and its staff shall take all reasonable steps to maximize the comfort and convenience of jurors while performing juror service including, but not limited to, the following: providing parking spaces for jurors where possible; providing separate juror entrances and exits where possible; providing safe and comfortable furniture for jurors;

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providing for adequate lunch and coffee breaks for jurors and arranging for food and beverages to be available for purchase by jurors during these breaks; providing reasonable access to telephones for the personal and business needs of jurors; adopting special plans and procedures for sequestered jurors; establishing snow emergency procedures; and handling juror inquiries and problems in a courteous and efficient manner. The court shall insure that jurors are properly orientated and welcomed. The court and its staff shall insure that jurors are reasonably informed of matters which are of proper concern to them. The court shall be willing to participate in research and other public-education programs to the extent possible.

Section 79. On or before the first day of April of each year, the jury commissioner shall issue an annual report for the previous calendar year. The report shall contain a narrative of significant developments in the administration of this chapter in the participating counties. The report may contain recommendations for the improvement of the juror selection and management systems of the commonwealth. The report shall contain demographic and financial data and data on juror management and jurors' satisfaction with the jury system. The report may contain such further matter as deemed appropriate by the jury commissioner or the jury management advisory committee. The report shall be a public document. The report may be incorporated in the annual report of the chief administrative justice of the trial court of the commonwealth.

Section 80. On or before the first day of June of each year, the jury commissioner, with the approval of the jury management advisory committee, may convene a conference with representatives of the cities and towns of the participating counties and other participants. The purpose of this conference shall be to facilitate the administration of this chapter at the local level. The office of jury commissioner shall pay all reasonable costs of the annual conference.

SECTION 2. Whenever the provisions of chapter two hundred and thirty-one A of the General Laws or amendments thereof shall be implemented in a county, the office of jury commissioner with the approval of the jury management advisory committee may for a reasonable period subsequent to the effective date of such implementation continue to use existing administrative procedures and materials in order to facilitate an orderly transition, to exhaust present inventories, or to avoid additional costs.

SECTION 3. The office of jury commissioner for Middlesex county, established under the provisions of chapter four

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hundred and fifteen of the acts of nineteen hundred and seventy-seven, shall become the office of jury commissioner for the commonwealth.

SECTION 4. The jury commissioner for Middlesex county, appointed under the provisions of chapter four hundred and fifteen of the acts of nineteen hundred and seventy-seven, shall hold the office of jury commissioner for the commonwealth until such time as a jury commissioner for the commonwealth is appointed under the provisions of chapter two hundred and thirty-one A of the General Laws.

SECTION 5. Present members of the jury management advisory committee, created pursuant to an order of the supreme judicial court and appointed by said court, may continue to hold their offices without reappointment until the supreme judicial court deems it appropriate to do otherwise.

SECTION 6. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or application, and, to this end, the provisions of this act shall be severable.

Approved July 9, 1982.

Chap. 299. AN ACT RELATIVE TO CIVIL ACTIONS
 BROUGHT AGAINST A PUBLIC EMPLOYEE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the General Laws is hereby amended by striking out section 3E, inserted by section 2 of chapter 806 of the acts of 1979, and inserting in place thereof the following section:-

Section 3E. Upon the filing with the attorney general of a written request by an officer or employee of any agency within the executive office of human services or the department of education, that the attorney general defend him in any action alleging an intentional or unintentional tort or other wrongful act or omission, or violation of the civil rights of any person under any federal or state law, arising out of the operation of said agencies within the executive office of human services or of the department of education, the attorney general shall, if after investigation it appears to him that such officer or employee was