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SUPREME JUDICIAL COURT RULES

Order in re: COVID-19 (coronavirus) pandemic

Supreme Judicial Court seventh updated order regarding court operations under the exigent circumstances created by the COVID-19 (coronavirus) pandemic

ADOPTED DATE: 07/01/2021

EFFECTIVE DATE: 07/12/2021

UPDATES: Entered July 1, 2021, effective July 12, 2021
Amended December 31, 2021, effective January 3, 2022
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In view of the guidance for vaccinated and unvaccinated persons recently issued by the Centers for Disease Control and Prevention (CDC) and the Department of Public Health (DPH), the Governor's lifting of the State of Emergency and most of the restrictions imposed in the Commonwealth in response to COVID-19, the widespread availability of COVID-19 vaccinations, and the overall situation in the Commonwealth with respect to COVID-19, as well as in consideration of the health

and safety of court users and personnel, the Supreme Judicial Court (SJC), pursuant to its superintendence and rule-making authority, issues the following ORDER:

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Order of rescission (Issued November 1, 2023 and effective January 1, 2024)

The Seventh Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic, issued July 1, 2021, effective July 12, 2021, and as amended by order issued and effective January 24, 2022 (Seventh Updated Order), is hereby rescinded effective January 1, 2024, except that the provisions of paragraph 6 (Jury Trials) shall continue to apply in trials where the jury is empaneled prior to January 1, 2024.

On and after January 1, 2024, the time periods of general continuances effectuated by the Seventh Updated Order and Prior SJC Orders, as that term is defined in the Seventh Updated Order, shall continue to be excluded from speedy trial computations under [Mass. R. Crim. P. 36 \(/rules-of-criminal-procedure/criminal-procedure-rule-36-case-management\)](#).

6. Jury trials

Phase 3 of the resumption of jury trials in Massachusetts state courts will end on July 9, 2021. Thereafter there will be no further COVID-19-related limitations or restrictions on where¹ and how jury trials are conducted, except as provided in this Order, including in paragraph 2 above, or in a further order of the SJC. As more jury trials resume, priority should continue to be given to trials in criminal and youthful offender cases and sexually dangerous person cases under G.L. c. 123A where, as applicable, the defendant, the juvenile, the person who filed the petition pursuant to G.L. c. 123A, § 9, or the person named in the petition filed pursuant to G.L. c. 123A, § 12 is in custody.

Notwithstanding any rule to the contrary, until further order of the SJC:

- (a) criminal cases in the Superior Court and youthful offender cases in Juvenile Court that typically would be tried to juries of twelve may be tried to juries of six with the consent of the defendant(s) or juvenile(s), in which case each defendant or juvenile will be limited to four peremptory challenges and the Commonwealth to as many challenges as equal the whole number to which all the defendants or juveniles in the case are entitled, regardless of whether additional jurors are empaneled;
- (b) civil cases in the Superior Court and Housing Court that typically would be tried to juries of twelve, except sexually dangerous person cases under G.L. c. 123A, shall be tried to juries of six, with or without the consent of the parties, and each party will be limited to four peremptory challenges, regardless of whether additional jurors are empaneled;
- (c) sexually dangerous person cases under G.L. c. 123A that typically would be tried to juries of twelve may be tried to juries of six with the consent of all parties, in which case each party will be limited to four peremptory challenges, regardless of whether additional jurors are empaneled;²
- (d) in civil cases in the District Court and Boston Municipal Court, each party will be limited to two peremptory challenges, regardless of whether additional jurors are empaneled; and
- (e) in criminal cases in the District Court and Boston Municipal Court and delinquency cases in the Juvenile Court, each defendant or juvenile will be

limited to two peremptory challenges and the Commonwealth to as many challenges as equal the whole number to which all the defendants or juveniles in the case are entitled.

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1. For a list of court locations and dates they will have access to jury pools, visit the page [COVID-19 jury information](#).
 2. See G.L. c. 123A, § 9 (petitioner or Commonwealth may demand jury trial) and § 14 (person named in petition or petitioning party may demand jury trial).

UPDATES:

Entered July 1, 2021, effective July 12, 2021

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