HOUSE DOCKET, NO. 2013 FILED ON: 1/17/2013

HOUSE . . . . . No. 1603

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 relative to the supervision of public records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Angelo M. Scaccia	*14th Suffolk*	*1/17/2013*
William F. Galvin	*Secretary of the Commonwealth*	*1/17/2013*

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HOUSE . . . . . No. 1603

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 1603) of Angelo M. Scaccia and William F. Galvin relative to the supervision of public records. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the supervision of public records.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1 of Chapter 66 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended in line 11, by adding at the end thereof the following six paragraphs:—

(a) The Secretary of the Commonwealth, supervisor of records, or any officer designated by the Secretary:— (1) may make such inquiry as deemed necessary to determine whether any person has violated any provision of this chapter or any regulation hereunder, or to aid in the enforcement of this chapter or in the prescribing of further regulations hereunder; (2) may require or permit any person to file a statement in writing, under oath or otherwise, as the Secretary of the Commonwealth, supervisor of records, or the officer designated by the Secretary determines, as to all the facts and circumstances concerning the matter to be investigated, and (3) may upon a finding that there has been a violation of this chapter, issue an order requiring the violator to comply with statutory requirements of said chapter, or the regulations promulgated by the supervisor pursuant to the authority granted in this chapter and take whatever action appropriate to enforce such order including, but not limited to, initiating judicial action in a court of competent jurisdiction on his own motion.

(b) For the purpose of any investigation or enforcement of any order issued under this chapter, the Secretary of the Commonwealth, supervisor of records, or any officer designated by the Secretary may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records, books, papers, correspondence, memoranda, agreements, or other documents which the Secretary of the Commonwealth, supervisor of records, or the officer designated by the Secretary deems relevant or material to an inquiry or the enforcement of an order.

(c) In case of contumacy by a records custodian, or refusal to obey a subpoena issued to any records custodian, the superior court for the county in which the records custodian is located, upon application by the Secretary of the Commonwealth, supervisor of records, or any officer designated by the Secretary, may issue to the records custodian an order requiring him to appear before the Secretary of the Commonwealth, supervisor of records, or any officer designated by the Secretary, to produce the records at issue or documentary evidence, if so ordered, or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(d) The Secretary of the Commonwealth or supervisor of records, shall, when necessary, promulgate regulations governing the proceedings or appeals to be so conducted or heard.

(e) The Secretary of the Commonwealth, supervisor of records, or officer designated by the Secretary, may file on his own motion a civil action in a court of competent jurisdiction to enforce such orders, as defined in subpart (a)(3) of this section. Additionally, the Secretary of the Commonwealth, supervisor of records, or officer designated by the Secretary, may independently seek further remedies as listed in Section 15 of this chapter.

(f) If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.