

HOUSE No. 2822

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 relating to the public records law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/16/2015</i>
<i>William F. Galvin</i>	<i>Secretary of the Commonwealth</i>	<i>1/15/2015</i>

HOUSE No. 2822

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2822) of Angelo M. Scaccia and William Francis Galvin (Secretary of the Commonwealth) relative to the public records law. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act relating to the public records law.

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

1 Section 1 of Chapter 66 of the General Laws, is hereby amended in line 11, by adding at
2 the end thereof the following paragraphs:—

3 (a) The Secretary of the Commonwealth, supervisor of records, or any officer
4 designated by the Secretary:

5 (1) May make such inquiry as deemed necessary to determine whether any person has
6 violated any provision of this chapter or any regulation hereunder, or to aid in the enforcement of
7 this chapter or in the prescribing of further regulations hereunder;

8 (2) May require or permit any person to file a statement in writing, under oath or
9 otherwise, as the Secretary of the Commonwealth, supervisor of records, or the officer
10 designated by the Secretary determines, as to all the facts and circumstances concerning the
11 matter to be investigated; and

12 (3) May upon a finding that there has been a violation of this chapter, issue an order
13 requiring the violator to comply with statutory requirements of said chapter, or the regulations
14 promulgated by the supervisor pursuant to the authority granted in this chapter, and take
15 whatever action appropriate to enforce such order including, but not limited to, initiating judicial
16 action in a court of competent jurisdiction on his own motion.

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

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

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

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

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