

SENATE No. 1700

The Commonwealth of Massachusetts

PRESENTED BY:

Kathleen O'Connor Ives

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 obtaining information.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|--------------------|
| <i>Kathleen O'Connor Ives</i> | <i>First Essex</i> |
| <i>Linda Dean Campbell</i> | <i>15th Essex</i> |
| <i>Diana DiZoglio</i> | <i>14th Essex</i> |

SENATE No. 1700

By Ms. O'Connor Ives, a petition (accompanied by bill, Senate, No. 1700) of Kathleen O'Connor Ives, Linda Dean Campbell and Diana DiZoglio for legislation to obtain public records. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1520 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to obtaining information.

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. Chapter 66 section 10 of the General Laws is hereby amended by striking
2 out paragraph (b) and inserting in place thereof the following section:-

3 (b) A custodian of a public record shall, within ten days following receipt of a request for
4 inspection or copy of a public record, comply with such request. Such request may be delivered
5 in hand to the office of the custodian or mailed via first class mail. If the custodian refuses or
6 fails to comply with such a request, the person making the request may petition the supervisor of
7 records for a determination whether the record requested is public. Upon the determination by
8 the supervisor of records that the record is public, he shall order the custodian of the public
9 record to comply with the person’s request. If the custodian refuses or fails to comply with any
10 such order, the supervisor of records may notify the attorney general or the appropriate district

11 attorney thereof who may take whatever measures he deems necessary to insure compliance with
12 the provisions of this section. If the custodian has not complied within 30 days of receipt of the
13 supervisors order, a fifty dollar penalty shall accrue daily until compliance by custodian. The
14 administrative remedy provided by this section shall in no way limit the availability of the
15 administrative remedies provided by the commissioner of administration and finance with
16 respect to any officer or employee of any agency, executive office, department or board; nor
17 shall the administrative remedy provided by this section in any way limit the availability of
18 judicial remedies otherwise available to any person requesting a public record. If a custodian of a
19 public record refuses or fails to comply with the request of any person for inspection or copy of a
20 public record or with an administrative order under this section, the supreme judicial or superior
21 court shall have jurisdiction to order compliance. The non-compliant custodian of records shall
22 assume the court costs incurred by the requestor of records after 60 days of the original request.