

HOUSE No. 9

So much of the recommendations of the Inspector General (House, No. 7) as relates to further regulating the laws pertaining to said office. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to Chapter 12A.

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. Section 9 of chapter 12A of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting at the end of the first paragraph the following:-

3 The inspector general shall have access under this paragraph notwithstanding any other
4 provision of law, except pursuant to any provision of law enacted by the general court that
5 expressly (i) refers to the inspector general; and (ii) limits the right of access of the inspector
6 general.

7 SECTION 2. Section 10 of said chapter 12A is hereby amended by striking out, in line 3,
8 the words “or both” and inserting in place thereof the following words:-“the appropriate district
9 attorney, or any combination thereof”.

10 SECTION 3. Said section 10, is hereby further amended by inserting, after the words
11 “attorney general”, in line 5, “attorney general” the following words:- “or district attorney”.

12 SECTION 4. Section 14 of said chapter 12A is hereby amended by striking out, in line 2,
13 the words “public employee” and inserting in place thereof the following word:- “source”.

14 SECTION 5. Said section 14 is hereby further amended by striking out, in line 7, the
15 word “an” and inserting in place thereof the following words:- “a public”.

16 SECTION 6. Said section 14 is hereby further amended by striking out paragraph (c) and
17 inserting in place thereof the following paragraph:-

18 (c) Any person who has authority to take, direct others to take, recommend, or approve
19 any personnel action, shall not, with respect to such authority, take or threaten to take any action
20 against any public employee, or any employee of a contractor having a contract, or an anticipated
21 contract, with a public body, as a reprisal for making a complaint or disclosing information to the
22 inspector general, unless the complaint was made or the information disclosed with the
23 knowledge that it was false or with willful disregard for its truth or falsity. Any person who
24 willfully violates this subsection shall be punished by a fine of not more than \$10,000. In
25 addition, any person who takes such prohibited action against an employee may be liable to that
26 employee for treble damages, costs and attorney's fees.

27 SECTION 7. Section 15 of said chapter 12A is hereby amended by striking out the sixth
28 paragraph and inserting in place thereof the following paragraph:-

29 A person summonsed to attend and testify under oath shall appear and testify under oath
30 before the inspector general or an employee of the office who is an attorney admitted to practice
31 in the commonwealth and approved by the inspector general council. A member of the inspector
32 general council, or a designee of a member, may be present at the request of the inspector
33 general.