

HOUSE No. 3111

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 open meeting law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/12/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/19/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/18/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>4/8/2021</i>

HOUSE No. 3111

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3111) of Antonio F. D. Cabral and others relative to violations of the open meeting law. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the open meeting 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. Section 18 of chapter 30A of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in lines 16-17, the words:-

3 “‘Intentional Violation’, an act or omission by a public body, or member thereof, in
4 knowing violation of the open meeting law.”

5 SECTION 2. Subsection (c) of section 23 of said chapter, as so appearing, is hereby
6 amended by striking out, in lines 23-26, the words:-

7 “Following a determination that a violation has occurred, the attorney general shall
8 determine whether the public body, 1 or more of the members, or both, are responsible and
9 whether the violation was intentional or unintentional.”.

10 SECTION 3. Paragraph (7) of said subsection of said section of said chapter, as so
11 appearing, is hereby amended by striking out paragraph (7) and inserting in place thereof the
12 following paragraphs:-

13 “(7) reprimanding a member or members of a public body, said reprimand to be a public
14 record; or

15 (8) prescribe other appropriate action.”.

16 SECTION 4. Subsection (f) of said section of said chapter, as so appearing, is hereby
17 amended by inserting after the last paragraph the following paragraphs:-

18 “Such order of notice may invalidate any action taken at any meeting at which any
19 provision of this section has been violated; provided that such complaint is filed within 21 days
20 of the date when such action is made public.

21 Any such order of notice may also, when appropriate, require the records of any such
22 meeting to be made public, unless it shall have been determined by such justice that the
23 maintenance of secrecy with respect to such records is authorized. The remedy created hereby is
24 not exclusive, but shall be in addition to every other available remedy. Such order may also
25 include reinstatement without loss of compensation, seniority, tenure or other benefits for any
26 employee discharged at a meeting or hearing held in violation of the provisions of this section. In
27 an action brought by 3 or more registered voters, such order of notice may also require the public
28 body to reimburse said voters reasonable attorney’s fees and court costs.

29 Such order of notice may also include a civil fine against the public body in an amount no
30 greater than \$1,000 for each meeting held in violation of this section and may also include a civil

31 fine of not more than \$200 for each violation against any individual member of a public body
32 who has already been fined pursuant to this section or received a reprimand pursuant to section
33 23(c)(7). A fine shall not be imposed against any member of the public body, who is recorded in
34 opposition to the act that is found to be in violation of the open meeting law. A penalty against
35 an individual member shall not be reimbursable with public funds.”.

36 SECTION 5. Subsection (g) of said section of said chapter, as so appearing, is hereby
37 amended by inserting after the word “body”, in line 87, the following words:-

38 “, or any member thereof.”.