

HOUSE No.

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 passage of the accompanying bill:

An Act relative to the supervision of public records.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Angelo M. Scaccia

14th Suffolk

William F. Galvin

Secretary of the Commonwealth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

1 Section 1 of Chapter 66 of the General Laws, as appearing in the 2006 Official Edition, is hereby
2 amended in line 11, by adding at the end thereof the following six paragraphs:— (a) The Secretary of the
3 Commonwealth, supervisor of records, or any officer the Secretary so designates, in his discretion:— (1)
4 may make such inquiry as he deems necessary to determine whether any person has violated any
5 provision of this chapter or any regulation hereunder, or to aid in the enforcement of this chapter or in the
6 prescribing of further regulations hereunder; (2) may require or permit any person to file a statement in
7 writing, under oath or otherwise, as the Secretary, supervisor of records, or the officer designated by the
8 Secretary determines, as to all the facts and circumstances concerning the matter to be investigated, and
9 (3) may upon a finding that there has been a violation of this chapter, issue an order requiring the violator
10 to comply with statutory requirements of said chapter, or the regulations promulgated by the supervisor of
11 records pursuant to the authority granted in this chapter and take whatever action appropriate to enforce
12 such order including, but not limited to, initiating judicial action in a court of competent jurisdiction on
13 his own motion.

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

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

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

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

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

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