

HOUSE No. 2549

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 20, 1952.

The committee on Ways and Means, to whom was referred the Resolve for the appointment of a special commission on public crimes (House, No. 1240), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2549).

For the committee,

MICHAEL PAUL FEENEY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Two.

RESOLVE FOR THE APPOINTMENT OF A SPECIAL COMMISSION ON PUBLIC CRIMES.

1 *Resolved*, That there is hereby established a special
2 commission on public crimes consisting of one member
3 of the senate to be designated by the president thereof,
4 one member of the house of representatives to be
5 designated by the speaker thereof, and three members,
6 none of whom shall be an elected public official, who
7 shall be paid one hundred dollars per diem for each
8 day certified by a majority of said commission to have
9 been served either in actual meetings, hearings or in-
10 vestigations, one member to be appointed by the
11 chief justice of the supreme judicial court, who shall
12 be chairman of said commission, one appointed by
13 the chief justice of the superior court, and one ap-
14 pointed by the president of the Massachusetts Bar
15 Association. Any vacancy occurring on the commis-
16 sion shall be filled by appointment as originally pro-
17 vided.

18 The commission shall have the power to employ
19 counsel, assistant counsel, assistants, investigators
20 and office personnel within the limit of its appropria-
21 tion.

22 It shall be the duty of the commission, individually
23 and as a body, to discover and investigate crimes and
24 practices detrimental to the public well-being, to bring

25 them to the attention of the appropriate agencies of
26 law enforcement, and to recommend to the general
27 court such changes in the law as conditions may re-
28 quire. The commission shall file such recommenda-
29 tions, together with a report of its expenditures and
30 such activities as are deemed advisable, with the clerk
31 of the house of representatives not later than the first
32 Wednesday of December, nineteen hundred and fifty-
33 three, and may make earlier interim reports when it
34 believes its information would be of assistance to the
35 general court.

36 The commission, or any of its members, may call
37 upon the commissioner of public safety for such as-
38 sistance as the commissioner and the department may
39 be able to give, including the assignment to the com-
40 mission or its members of such special assistants or
41 investigators as may be requested. It shall be the
42 duty of the commissioner to co-operate with the com-
43 mission and its members and to comply with such
44 requests.

45 In the furtherance of its duties and responsibilities
46 the commission or any of its members shall have the
47 power to summon witnesses and subpoena books,
48 documents and records. No public hearing shall be
49 held without an affirmative vote of a majority of
50 the members of the commission.

51 Any member of the commission shall have the right
52 to appear before any grand jury or special grand jury,
53 with all the powers and authority of a prosecuting
54 attorney. No such appearance shall be made, how-
55 ever, without prior notification to the district attorney
56 in whose district the grand jury or special grand jury
57 is sitting.

58 The clerk of the courts in any county, or in Suffolk,

59 the clerk of the superior court for criminal business,
60 shall, upon written request of the attorney-general
61 or any member of the commission accompanied by
62 a certificate that public necessity requires such action,
63 signed by the chief justice of the superior court, issue
64 writs of venire facias for twenty-three grand jurors
65 for service as a special grand jury to hear, consider
66 and report on such matters as the attorney-general
67 or any member of the commission may present. Said
68 jurors shall serve for a period of six months, unless
69 sooner discharged by the attorney-general or the
70 member or members of the commission, whichever
71 requested originally such special grand jury, or by
72 said chief justice, and shall be drawn, summoned and
73 returned in the same manner, and shall have the
74 same powers and receive the same compensation as
75 grand jurors summoned for service under sections
76 one and two of chapter two hundred and seventy-
77 seven of the General Laws, and the provisions of
78 sections four to fourteen of said chapter, so far as
79 apt, shall apply to such jurors.

80 All powers granted herein to the attorney-general
81 or to members of the commission shall terminate on
82 the first Wednesday in December, nineteen hundred
83 and fifty-three, unless extended by further action
84 of the general court.