

SENATE No. 454

By Mr. Jones, a petition of Allan F. Jones for legislation to establish the position of public defender. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT ESTABLISHING THE POSITION OF PUBLIC DEFENDER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 There shall be in the department of the attorney general,
2 but not subject to his supervision, a public defender and ade-
3 quate staff. Their function shall be to advise either citizens as
4 individuals, or groups of citizens on questions regarding their
5 rights and limitations under constitutional law; statutory law;
6 ordinances and by-laws, arising as a result of their contacts
7 with public officials. Records pertinent to an issue must be
8 made available to personnel in the office of the public de-
9 fender. His official decisions shall be legally binding on each
10 and every elected official and public administrator concerned,
11 subject to judicial review. He shall exhaust every legal reme-
12 dy in the courts for any legal position he has taken in favor
13 of the citizen or citizens.

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For the purpose of this document, the following definitions shall apply:

1.1. Definitions

1.1.1. "Person" means any individual, partnership, firm, corporation, association, or other entity, whether or not organized under the laws of the United States or any State, Territory, or Possession, or any foreign country.

1.1.2. "Contract" means any agreement, whether written or oral, that is enforceable by law.

1.1.3. "Information" means any data, whether or not recorded, stored, transmitted, or otherwise processed, in any form or by any means, including electronic, magnetic, optical, chemical, mechanical, or physical.

1.1.4. "System" means any set of related or independent components that are interconnected or interact to perform a function, process data, or transmit information, whether or not the components are physically connected.

1.1.5. "Security" means the protection of information and systems from unauthorized access, use, disclosure, modification, or destruction.

1.1.6. "Control" means the exercise of authority or influence over the operations of a system or the handling of information.

1.1.7. "Access" means the ability to view, use, modify, or destroy information or systems.

1.1.8. "Integrity" means the accuracy and completeness of information and systems.

1.1.9. "Availability" means the ability of information and systems to be accessed and used when needed.

1.1.10. "Confidentiality" means the protection of information from unauthorized disclosure.

1.1.11. "Non-repudiation" means the ability to prove that a particular action was performed by a specific individual.

1.1.12. "Accountability" means the ability to hold individuals responsible for their actions.