

SENATE No. 184

To accompany the petition of Herbert Parker and another that the Attorney-General may be enabled to take measures in the interest of the public safety. Joint Judiciary.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nineteen.

AN ACT

To enable the Attorney-General to take Measures in the Interest of the Public Safety.

EMERGENCY PREAMBLE.

1 *Whereas*, An emergency exists requiring the
2 passage and immediate operation of the following
3 act for the immediate preservation of the public
4 safety, there being at the present time no ade-
5 quate provision of law authorizing the proper
6 officers to institute seasonably effective measures
7 to protect public rights, a condition which should
8 be corrected at the earliest possible moment,
9 therefore —

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. The attorney-general may, when-
2 ever in his judgment the public safety so requires,
3 make inquiry into any matters concerning the
4 public safety. For the conduct of such inquiry,
5 the attorney-general may in his discretion appoint
6 and employ, and at his pleasure remove, such
7 officers, agents or deputies, who shall not be sub-
8 ject to the provisions or regulations of the law
9 relating to the civil service commission, and as
10 he may deem necessary he shall define the duties
11 of such appointees, whose compensation shall be
12 fixed by the governor and council. All appoint-
13 ments so made shall be immediately reported to
14 the governor, but to no other state officer, depart-
15 ment or person. The requisite funds to provide
16 for inquiries within the purpose of this act, and
17 for the expense and compensation of the said ap-
18 pointees, shall, in such sums as may be appropri-
19 ated therefor, be held as a special fund in the name
20 of the attorney-general, to be carried and desig-
21 nated as "The Special Service Fund of Attorney-
22 General". No disbursements shall be made
23 therefrom except by draft or check of the attorney-
24 general, and such disbursements shall not be
25 made public, and shall be subject to no audit,
26 except that of the governor and the attorney-
27 general, nor shall the records of such disburse-
28 ments be considered as public records.

1 SECTION 2. The attorney-general, or a deputy
2 authorized by him, may subpoena witnesses to
3 appear before the attorney-general or his said

4 deputy, and such witnesses shall then and there
5 be required to answer, under oath or affirmation,
6 such questions relating to the subject of inquiry
7 as may be put to them, and to produce such books,
8 papers, articles or things, as may be so required
9 of them. Whosoever wilfully refuses or fails to
10 attend in obedience to such subpcœna, or refuses
11 to take oath or affirmation, or refuses to answer
12 any question, or to produce any book, paper,
13 article or thing, pertinent to the pending inquiry,
14 shall be punished by a fine not exceeding five
15 hundred dollars or by imprisonment not exceeding
16 one year, or by both such fine and imprisonment;
17 but no statement or disclosure by any witness
18 when so testifying shall be admitted or made
19 available in evidence against him in any prosecu-
20 tion or criminal procedure against such witness,
21 except upon the charge of perjury with respect to
22 such testimony.

1 SECTION 3. All persons who shall refuse, upon
2 the request of the attorney-general, or his desig-
3 nated deputy, to furnish such information as they
4 may have, with respect to the subject of any
5 inquiry instituted by the attorney-general, shall
6 be punished by a fine of not exceeding one hun-
7 dred dollars: *provided, however,* that no such infor-
8 mation as might tend to incriminate the person
9 inquired of, shall be required of him except as is
10 provided with respect to witnesses testifying under
11 subpcœna, as provided in section two of this act.

1 SECTION 4. No person, except the attorney-
2 general or his designated deputy, shall disclose
3 the name of any witness, or the testimony that
4 any witness may give at any inquiry conducted
5 under the provisions of section two of this act.
6 Any person who shall violate the provisions of
7 this section shall be punished by a fine not ex-
8 ceeding five hundred dollars.

1 SECTION 5. This act shall take effect upon its
2 passage.