

[Senate, July 6, 1965—Moved (Cohen) as a substitute for House Bill No. 4093.]

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE DISPOSITION OF THE RECORDS OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO CRIME AND CORRUPTION.

1 *Whereas*, The deferred operation of this act would tend to
 2 defeat its purpose, which is to provide forthwith for the dis-
 3 position of the records of the special commission established
 4 to make an investigation and study relative to crime and cor-
 5 ruption, therefore it is hereby declared to be an emergency
 6 law, necessary for the immediate preservation of the public
 7 convenience.

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

1 All records, files, correspondence, transcripts and memoran-
 2 da, including without limitation all originals and copies of
 3 documents of every description, and any exhibits received in
 4 any proceeding, whether documents or other objects now in
 5 the possession of the special commission created under chapter
 6 one hundred and forty-six of the resolves of nineteen hundred
 7 and sixty-two (hereinafter referred to as "records") shall be
 8 disposed of as follows: —

9 1. The commission, prior to July first, nineteen hundred and
 10 sixty-five, may submit and transfer any of its non-confidential
 11 financial and administrative records to the state auditor, the
 12 comptroller or to the records conservation board created by
 13 section forty-two of chapter thirty of the General Laws;

14 2. Said commission, prior to July first, nineteen hundred
 15 and sixty-five, may submit such of its records to the attorney
 16 general as in the opinion of the commission warrants such
 17 submission.

18 3. The existence of said commission shall terminate on June
19 thirtieth, nineteen hundred and sixty-five, but the office of
20 chairman shall be continued, after said date, solely for the
21 purposes hereinafter enumerated.

22 4. In the event of the death, resignation or inability of said
23 chairman, the governor shall immediately appoint a new
24 chairman from the former membership of said commission.

25 5. The chairman shall forthwith place the balance of said
26 records, the disposition of which is not hereinbefore provided
27 for, in a separate and segregated vault of the archives division
28 of the state secretary, and shall seal the same. Said vault
29 shall be secured by the existing locking device thereon and
30 by two additional locks, different from each other.

31 6. The said records shall be subject to the same rules of
32 secrecy as governed the proceedings of the said commission
33 under the provisions of said chapter one hundred and forty-
34 six of the resolves of nineteen hundred and sixty-two. Said
35 records shall not be subject to any form of subpoena or other
36 process in any proceeding before any court or other tribunal;
37 except as follows;

38 A. Any person indicted as a result of evidence produced by
39 said commission, shall, upon order of the court before which
40 said indictment has been returned, be entitled to a copy of
41 his testimony, if he had testified before said commission, and
42 copies of the testimony of any other witness before said com-
43 mission if in the judgment of the court the testimony of such
44 other witnesses may be pertinent to the subject matter of the
45 indictment and if such testimony was transcribed prior to
46 June thirtieth, nineteen hundred and sixty-five.

47 B. Upon the order of the supreme judicial court or the su-
48 perior court in any proceeding in which any member of the
49 commission or any member of the staff of the commission is
50 a defendant and for the sole purpose of enabling any member
51 of the commission or of the staff of the commission to prepare
52 a defense in such proceeding, there shall be produced for use
53 in such proceedings such of said records as in the opinion of
54 said court are necessary for the aforesaid purpose.

55 C. A justice of the Supreme Judicial Court or of the Su-

56 perior Court shall designate two persons to extract, in the
57 presence of the chairman, such records as are necessary to
58 comply with the order of the court; reseal the vault of said
59 archives division; and provided further that the court or other
60 duly authorized tribunal before which said proceedings are
61 held shall impose such conditions and restrictions upon the
62 use and disposition of said records as are necessary to pro-
63 tect the public interest and the interests of persons mentioned
64 in said records, or as justice may require.

65 7. The records shall not be subject to the jurisdiction of the
66 records conservation board, except as provided in paragraph
67 one.

68 8. As soon as practicable after June thirtieth, nineteen hun-
69 dred and sixty-seven, the records, including such of those
70 transmitted or delivered to the attorney general under the
71 provisions of chapter one hundred and forty-six of the resolves
72 of nineteen hundred and sixty-two or paragraph two of this
73 act as, in the opinion of the attorney general, are not neces-
74 sary for the continuation of the duties of his office, shall be
75 removed from said vault and the office of the attorney general
76 and be destroyed by cremation in the presence of the said
77 chairman.

78 9. Any person who discloses, or aids in disclosing, except
79 when required while testifying in a proceeding described in
80 paragraph six or in preparation therefor, any matter relative
81 to the investigations or records of the said commission, except
82 those matters which may properly become public under the
83 provisions of section six of this act, shall be punished by a
84 fine of not less than one thousand dollars nor more than
85 three thousand dollars and by imprisonment in the house of
86 correction for one year.

