

# SENATE . . . . . No. 822

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Bruce E. Tarr***

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*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 adoption of the accompanying bill:

An Act to enhance criminal investigations.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>

# SENATE . . . . . No. 822

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 822) of Bruce E. Tarr, Bradley H. Jones, Jr., Michael R. Knapik and Robert L. Hedlund for legislation to enhance criminal investigations. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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An Act to enhance criminal investigations.

*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. Section 99 of chapter 272, as appearing in the 2010 Official Edition, is  
2 hereby amended by striking out subsection A.

3           SECTION 2. Said section 99 of said chapter 272, as so appearing, is hereby further  
4 amended by striking out the definition of “wire communication” and inserting in place thereof  
5 the following definition:-

6           1. The term “wire communication” means any transfer made in whole or in part through  
7 the use of facilities for the transmission of communications by the aid of wire, cable, or other  
8 like connection between the point of origin and the point of reception, including the use of such  
9 connection in a switching station, furnished or operated by any person engaged in providing or  
10 operating such facilities for the transmission of such communications and shall include: any  
11 transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted  
12 in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system,  
13 but shall not include: (i) any communication made through a tone-only paging device; (ii) any  
14 communication from a tracking device, defined as an electronic or mechanical device which  
15 permits the tracking of the movement of a person or object; or (iii) electronic funds transfer  
16 information stored by a financial institution in a communications system used for the electronic  
17 storage and transfer of funds.

18           SECTION 3. Subsection (b) of said section 99 of said chapter 272, as so appearing, is  
19 hereby further amended by striking out the definition of “designated offense” and inserting in  
20 place thereof the following definition:-

21           7. The term “designated offense” shall include the following offenses in connection with  
22 organized crime: arson, assault and battery with a dangerous weapon, extortion, bribery,  
23 burglary, embezzlement, forgery, gaming in violation of section 17 of chapter 271, intimidation  
24 of a witness or juror, kidnapping, larceny, lending of money or things of value in violation of the  
25 general laws, mayhem, murder, any offense involving the possession or sale of a narcotic or  
26 harmful drug, perjury, prostitution, robbery, subornation of perjury, any violation of this section,  
27 being an accessory to any of the foregoing offense and conspiracy or attempt or solicitation to  
28 commit any of the foregoing offenses.

29           The term “designated offense” shall also include, whether or not in connection with  
30 organized crime: (i) any murder or manslaughter, except under chapter 90 or 90B or 13 ½ of  
31 chapter 265; (ii) any violation of chapter 94C; and (iii) the illegal use, possession or carrying of a  
32 firearm, sawed-off shotgun, machine gun, assault weapon or large capacity weapon, as defined  
33 by section 121 of chapter 140, any offense, proof of which requires the illegal sale, purchase or  
34 transfer of a firearm, sawed-off shotgun, machine gun, assault weapon or large capacity weapon  
35 as an element thereof, and any license violation under sections 121 to 131P, inclusive, of chapter  
36 140.