

HOUSE No. 4313

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 19, 2016.

The committee on the Judiciary to whom were referred the petition (accompanied by bill, Senate, No. 883) of Michael O. Moore, Jason M. Lewis, Bruce E. Tarr and Paul K. Frost for legislation relative to the interception of wire and oral communications, the petition (accompanied by bill, House, No. 1222) of Linda Dean Campbell relative to wiretapping and the interception of other means of communication, the petition (accompanied by bill, House, No. 1487) of Christopher M. Markey relative to the interception of wire and oral communications, the petition (accompanied by bill, House, No. 1554) of Angelo J. Puppolo, Jr., relative to wiretapping and the wire interception law, and the petition (accompanied by bill, House, No. 1638) of Paul Tucker and others relative to clarifying a designated offense under the wire interception law, reports recommending that the accompanying bill (House, No. 4313) ought to pass.

For the committee,

JOHN V. FERNANDES.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the interception of wire and oral communications.

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. Subsection A of section 99 of chapter 272 of the General Laws as
2 appearing in the 2014 Official Edition is hereby amended by inserting a new paragraph,
3 following the second paragraph at line 21:-

4 The General Court further finds that in certain circumstances normal investigative
5 procedures may not be effective in the investigation of specific illegal acts not associated with
6 organized crime as enumerated in clause (b) of paragraph 7 of subsection B of this section.
7 Therefore, law enforcement officials may be permitted to use modern methods of electronic
8 surveillance, under strict judicial supervision, when investigating these specific enumerated
9 crimes, after a showing that normal investigative procedures have been tried and have failed or
10 reasonably appear unlikely to succeed if tried.

11 SECTION 2. Subsection A of section 99 of chapter 272 of the General Laws as appearing
12 in the 2014 Official Edition is hereby amended by striking the last sentence of the third
13 paragraph, lines 25 through 27, and inserting in place thereof the following:-

14 The use of such devices by law enforcement officials must be conducted under strict
15 judicial supervision and must be limited to the investigation of designated offenses as defined in
16 paragraph 7 of subsection B of this section.

17 SECTION 3. Subsection B of section 99 of chapter 272 of the General Laws as appearing
18 in the 2014 Official Edition is hereby amended by striking out the definition of “designated
19 offense” in lines 66 through 77 and inserting in place thereof the following:-

20 7. The term "designated offense" shall include (a) the following offenses in connection
21 with organized crime as defined in the preamble: arson, the illegal use, possession or carrying of
22 a firearm, sawed-off shotgun, machine gun, assault weapon, large capacity weapon or covert
23 weapon as defined by section 121 of chapter 140, extortion, bribery, felony burglary,
24 embezzlement, gaming in violation of sections 38, 39, 40, 41 and 43 of chapter 23K and sections
25 16 A and 17 of chapter 271; human trafficking in violation of sections 50 through 53 of chapter
26 265, intimidation of a witness or juror, kidnapping, felony larceny, lending of money or things of
27 value in violation of the general laws, money laundering in violation chapter 267A, murder, any
28 offense involving trafficking of a narcotic or harmful drug in violation of Chapter 94C, Section
29 32E, perjury, robbery, subornation of perjury, being an accessory to any of the foregoing
30 offenses or conspiracy or attempt or solicitation to commit any of the foregoing offenses; and (b)
31 the following offenses not in connection with organized crime, as referenced in paragraph 3 of
32 the preamble: murder in the first degree, human trafficking in violation of sections 50 through 53
33 of chapter 265, and being an accessory to any of the foregoing offenses or conspiracy or attempt
34 or solicitation to commit any of the foregoing offenses.