

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Josh S. Cutler*

*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 relative to criminal electronic surveillance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>10/2/2015</i>

**HOUSE . . . . . No.**

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By Mr. Cutler of Duxbury, a petition (subject to Joint Rule 12) of Josh S. Cutler relative to the electronic surveillance of persons in private settings. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to criminal electronic surveillance.

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

1 Chapter 272 of the General Laws, as appearing in the 2014 Official Edition, is hereby  
2 amended by adding the following section:-

3 Section 106. (a) As used in this section, the following words shall have the following  
4 meanings unless the context clearly requires otherwise:-

5 “Electronically surveil”, to view, obtain or record a person's visual image by the use or  
6 aid of a camera, cellular or other wireless communication device, computer, television or other  
7 electronic device.

8 (b) Whoever willfully photographs, videotapes or electronically surveils another person:

9 (i) while such other person is in a private residence, on private property or in another such place  
10 and circumstance in which he or she has a reasonable expectation of privacy in not being so  
11 photographed, videotaped or electronically surveilled; (ii) with the intent to harass, frighten or  
12 torment; and (iii) without that person's knowledge and consent, shall be punished by

- 13 imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more  
14 than \$5,000, or by both such fine and imprisonment.