SENATE DOCKET, NO. 1361 FILED ON: 1/16/2015

SENATE . . . . . No. 924

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*

SENATE DOCKET, NO. 1361 FILED ON: 1/16/2015

SENATE . . . . . No. 924

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 924) of Bruce E. Tarr for legislation to enhance criminal investigations with wire communications. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *822* OF 2013-2014.]

The Commonwealth of Massachusetts

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

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:

SECTION 1. Section 99 of chapter 272, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection A.

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

1. The term "wire communication" means any transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of such communications and shall include: any

transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, but shall not include: (i) any communication made through a tone-only paging device; (ii) any communication from a tracking device, defined as an electronic or mechanical device which permits the tracking of the movement of a person or object; or (iii) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

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

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

The term "designated offense" shall also include, whether or not in connection with organized crime: (i) any murder or manslaughter, except under chapter 90 or 90B or 13 ½ of chapter 265; (ii) any violation of chapter 94C; and (iii) the illegal use, possession or carrying of a firearm, sawed-off shotgun, machine gun, assault weapon or large capacity weapon, as defined

by section 121 of chapter 140, any offense, proof of which requires the illegal sale, purchase or transfer of a firearm, sawed-off shotgun, machine gun, assault weapon or large capacity weapon as an element thereof, and any license violation under sections 121 to 131P, inclusive, of chapter 140.