

SENATE No. 941

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 assist the investigation of serious crimes.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

James E. Timilty

Bristol and Norfolk

Tackey Chan

2nd Norfolk

SENATE No. 941

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 941) of James E. Timilty and Tackey Chan for legislation to assist the investigation of serious crimes. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to assist the investigation of serious crimes.

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 99 of chapter 272 of the General Laws, as appearing in 2012 Official Edition, is
2 hereby amended in section B.1 by striking out the definition of “wire communication” and
3 inserting in place thereof the following definition:-

4 1. The term “transmitted communication” means any communication made in whole or
5 in part through (i) the use of facilities which allow for the transmission of communications or (ii)
6 the aid of wire, cable, wireless, electronic, digital, radio, electromagnetic, satellite, cellular,
7 optical, or other like technological means in order to achieve a connection between a point of
8 origin and a point of reception, regardless of whether or not such communication travels in part
9 within a switching station or other like facility. The term “transmitted communication” shall
10 also include: any transfer of signs, signals, writing, images, photographs, videos, texts, sounds,
11 data, or intelligence of any nature transmitted in whole or in part by using a cellular telephone,
12 Smartphone, personal data assistant or similar devices, but shall not include: (i) any
13 communication made through a tone-only paging device; (ii) any communication from a tracking

14 device, defined as an electronic or mechanical device which permits the tracking of movement of
15 a person or object; or (iii) electronic funds transfer information stored by a financial institution in
16 a communications system used for the electronic storage and transfer of funds.

17 Section 99 of chapter 272 of the General Laws, as appearing in 2012 Official Edition, is
18 hereby further amended to add, at line 75, to section B.7, the following definition:-

19 The term “designated offense” shall also include, whether or not in connection with
20 organized crime, (i) any homicide; (ii) any crime that involves the use, attempted use, or
21 threatened use of force; (iii) any violation of the laws relating to controlled substances, as
22 defined in chapter 94C; (iv) any crime that involves the use, sale, purchase, delivery, transport,
23 or licensing of firearms; (v) being an accessory to any of the offenses described in this sentence
24 and conspiracy or attempt or solicitation to commit any of the offenses describes in this sentence.