HOUSE DOCKET, NO. 3351 FILED ON: 1/20/2017

HOUSE . . . . . No. 3087

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 the interception of wire and oral communications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Christopher M. Markey	*9th Bristol*	*1/20/2017*

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HOUSE . . . . . No. 3087

By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 3087) of Christopher M. Markey relative to the interception of wire and oral communications. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1487* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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:

SECTION 1. Subsection A of section 99 of Chapter 272 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 26, the word "crime" and inserting in place thereof the following words:- crime, unless otherwise proscribed by the following paragraph.

SECTION 2. Said subsection A of section 99 of Chapter 272 of the General Laws, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:-

The general court further finds that within the commonwealth there has been an increase in violence, with and without weapons, that has taken the lives of many. Such acts are not the product of highly organized and disciplined groups. Rather, these acts are conducted by small,

undisciplined groups of individuals with loose affiliation who use modern technology to plan, perform and conceal these violent acts. However, the general court finds that curtailing and eliminating such violent acts, and holding these groups and individuals responsible for such acts, requires the use of modern electronic surveillance devices. Therefore, the general court finds that the use of such devices by law enforcement officials, as it relates to investigations of violent offenses, must be conducted under strict judicial supervision and without the need to prove that a highly organized and disciplined group committed such violent acts.

SECTION 3. Subsection B of section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in line 65, the words “designated offense” and inserting in place thereof the following words:- designated organized crime offense.

SECTION 4. Said subsection B of Section 99 of Chapter 272, as so appearing, is hereby further amended by striking out, in line 72, the words “narcotic or harmful drug” and inserting in place thereof the following words:- narcotic, harmful drug or firearm.

SECTION 5. Said subsection B of Section 99 of Chapter 272, as so appearing, is hereby further amended by inserting after paragraph 7, the following paragraph:-

7A. The term “designated violent offense” shall include the following violent offenses in connection with violent crime as described in the preamble: sections one, thirteen, fifteen, fifteen A, sixteen, eighteen A, eighteen B, eighteen C, of chapter two hundred and sixty five of the general laws.

SECTION 6. Subsection E of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in lines 254 and 258, the words “designated offense” and inserting in

place thereof the following words:- designated organized crime offense or designated violent offense.

SECTION 7. Said subsection E of Section 99 of Chapter 272, as so appearing, is hereby further amended by striking out paragraph 3, and inserting in place thereof the following paragraph:-

3. For purposes of a designated organized crime offense, the applicant shall make a showing that normal investigative procedures have been tried and have failed or reasonably appear unlikely to succeed if tried. Such requirement shall not be deemed required for purposes of a designated violent offense.

SECTION 8. Subsection F of section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in lines 273, 277 and 279, the words “designated offense” and inserting in place thereof the following words:- designated organized crime offense or designated violent offense.

SECTION 9. Subsection I of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in line 367, the words “designated offense” and inserting in place thereof the following words:- designated organized crime offense or designated violent offense.

SECTION 10. Subsection N of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in lines 501-502, the words “designated offense” and inserting in place thereof the following words:- designated organized crime offense or designated violent offense.

SECTION 11. Subsection R of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in line 587, the words “designated offenses” and inserting in place

thereof the following words:- designated organized crime offenses or designated violent offenses.