

SENATE No. 971

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:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 971

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 971) of James E. Timilty for legislation to assist the investigation of serious crimes. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 941 OF 2015-2016.]

The Commonwealth of Massachusetts

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

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 1: Section 99 of chapter 272, as appearing in 2014 Official Edition, is hereby
2 amended in sub-section B.1 by striking, in lines 29 – 32, the definition of “wire communication”
3 and inserting in place thereof the following definition:-

4 1. The term “transmitted communication” means any communication made in whole or in
5 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 2: Section 99 of chapter 272, as so appearing, is further amended at line 77, in
18 sub-section B.7 by adding at the end thereof, 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) human trafficking, as defined in sections 50 through 52 of chapter
24 265; (vi) being an accessory to any of the offenses described in this sentence and conspiracy or
25 attempt or solicitation to commit any of the offenses describes in this sentence.