

SENATE No. 1002

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 updating the Commonwealth's wiretap statutes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/25/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>

SENATE No. 1002

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1002) of Michael O. Moore, Timothy R. Whelan and Patrick M. O'Connor for legislation to update the Commonwealth's wiretap statutes. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act updating the Commonwealth's wiretap statutes.

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: Paragraph A of section 99 of chapter 272 of the General Laws, as appearing
2 in the 2016 Official Edition, is hereby amended by striking out the last subparagraph and
3 inserting in place thereof the following 2 subparagraphs:-

4 The general court further finds that in certain circumstances normal investigative
5 procedures may not be effective in the investigation of specific illegal acts not associated with
6 organized crime as described in clause 7 of paragraph B. Therefore, law enforcement officials
7 may use modern methods of electronic surveillance, under strict judicial supervision, when
8 investigating those specific crimes.

9 The general court further finds that the uncontrolled development and unrestricted use of
10 modern electronic surveillance devices pose grave dangers to the privacy of all citizens of the
11 commonwealth. Therefore, the secret use of such devices by private individuals shall be
12 prohibited. The use of such devices by law enforcement officials shall be conducted under strict

13 judicial supervision and shall be limited to the investigation of designated offenses as defined in
14 clause 7 of paragraph B.

15 SECTION 2. Paragraph B of section 99 of chapter 272, as so appearing, is hereby
16 amended by striking out clause 7 and inserting in place thereof the following clause:-

17 7. The term “designated offense” shall include (a) the following offenses in connection
18 with organized crime as defined in the preamble: the illegal use, possession, theft, transfer or
19 trafficking of one or more firearms, rifles, shotguns, sawed-off shotguns, machine guns, assault
20 weapons, large capacity weapons, covert weapons as defined by section 121 of chapter 140, or
21 silencers; any arson; assault and battery with a dangerous weapon; bribery; any felony burglary;
22 money laundering in violation of chapter 267A; enterprise crime in violation of chapter 271A;
23 extortion; forgery; gaming in violation of sections 38, 39, 40, 41 and 43 of chapter 23K and
24 sections 16A and 17 of chapter 271; kidnapping; any felony larceny; lending of money or things
25 of value in violation of the general laws; perjury; any felony involving prostitution; robbery;
26 subornation of perjury; any violation of section 13B of chapter 268; any violation of this section;
27 being an accessory to any of the foregoing offenses; and conspiracy, attempt or solicitation to
28 commit any of the foregoing offenses; and

29 (b) the following offenses, whether or not in connection with organized crime, as
30 referenced in paragraph 3 of the preamble: any murder or manslaughter, except under section 13
31 ½ of chapter 265; rape as defined in sections 22, 22A, 22B, 22C, 23, 23A, 23B, 24, and 24B of
32 chapter 265; human trafficking in violation of sections 50 through 53 of chapter 265; any
33 violation of chapter 94C involving the trafficking, manufacture, distribution of, or intent to
34 distribute controlled substances; illegal trafficking in weapons; the illegal use or possession of

35 explosives or chemical, radiological or biological weapons; civil rights violation causing bodily
36 injury; intimidation of a witness or potential witness, or a judge, juror, grand juror, prosecutor,
37 defense attorney, probation officer or parole officer; being an accessory to any of the foregoing
38 offenses; and conspiracy, attempt or solicitation to commit any of the foregoing offenses.

39 SECTION 3. Paragraph I of said section 99 of said chapter 272, as so appearing, is
40 hereby amended by striking out the word “thirty” in line 368 and inserting in place thereof the
41 figure “40”; by striking out the word “fifteen” in line 370 and inserting in place thereof the figure
42 “30”; and by striking out the word “thirty-day” in line 371 and inserting in place thereof the
43 word:- “40-day”.

44 SECTION 4. Paragraph J of said section 99 of said chapter 272, as so appearing, is
45 hereby amended by striking out in line 405 the words “fifteen (15)” and inserting in place thereof
46 the words “thirty (30)”.