

HOUSE No. 3387

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:

Christopher M. Markey

DISTRICT/ADDRESS:

9th Bristol

HOUSE No. 3387

By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 3387) of Christopher M. Markey relative to the interception of wire and oral communications. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3087 OF 2017-2018.]

The Commonwealth of Massachusetts

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

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:

1 SECTION 1. Subsection A of section 99 of Chapter 272 of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by striking out, in line 26, the word
3 “crime” and inserting in place thereof the following words:- crime, unless otherwise proscribed
4 by the following paragraph.

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

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

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

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

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

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

26 7A. The term “designated violent offense” shall include the following violent offenses in
27 connection with violent crime as described in the preamble: sections one, thirteen, fifteen, fifteen
28 A, sixteen, eighteen A, eighteen B, eighteen C, of chapter two hundred and sixty five of the
29 general laws.

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

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

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

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

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

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

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

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

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