

SENATE No. 861

The Commonwealth of Massachusetts

PRESENTED BY:

Barbara L'Italien, (BY REQUEST)

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 allow the recording of conversations to reflect federal law whereby a party to a conversation may record it without prior consent as long as the recording is not done with criminal or tortious intent.

PETITION OF:

NAME:

Carlos Cruz

DISTRICT/ADDRESS:

10 Grafton Street, Apt. 34

Lawrence, MA 01843

SENATE No. 861

By Mrs. L'Italien (by request), a petition (accompanied by bill, Senate, No. 861) of Carlos Cruz for legislation to allow the recording of conversations to reflect federal law whereby a party to a conversation may record it without prior consent as long as the recording is not done with criminal or tortious intent. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to allow the recording of conversations to reflect federal law whereby a party to a conversation may record it without prior consent as long as the recording is not done with criminal or tortious intent.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, the deferred operation of this act would tend to defeat its purpose, which is to
2 promote and maintain the public safety, therefore, it is hereby declared to be an emergency law,
3 necessary for the immediate preservation of the public safety.

4 SECTION 1. Subsection (d) of section 99 of chapter 272 of the General Laws is hereby
5 amended by inserting after paragraph (f), in line 226, the following paragraph:-

6 "(g) for a person not acting under color of law to intercept a wire, oral, or electronic
7 communication where such person is a party to the communication or where one of the parties to
8 the communication has given prior consent to such interception unless such communication is
9 intercepted for the purpose of committing any criminal or tortious act in violation of the United
10 States Constitution, Massachusetts Constitution, or laws of the United States or of any state."