

**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.