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By Mr. Sontag of Boston, petition of Leo Sontag for legislation restricting the authority of the Attorney General and district attorneys to authorize wire tapping. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Fifty-Six.

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AN ACT RESTRICTING THE AUTHORITY OF THE ATTORNEY GENERAL AND DISTRICT ATTORNEYS TO AUTHORIZE WIRE TAPPING.

*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. Chapter 272 of the General Laws is hereby  
2 amended by striking out section 99, as appearing in the  
3 Tercentenary Edition, and inserting in place thereof the  
4 following section:—  
5 *Section 99.* Whoever, except when authorized by  
6 written permission of the attorney general of the com-  
7 monwealth, or of the district attorney for the district,  
8 pursuant to the provisions of section ninety-nine A,  
9 secretly overhears, or attempts secretly to overhear, or  
10 to have any other person secretly overhear, any spoken  
11 words in any building by using a device commonly  
12 known as a dictagraph or dictaphone, or however other-  
13 wise described, or any similar device or arrangement, or  
14 by tapping any wire, with intent to procure information  
15 concerning any official matter or to injure another, shall  
16 be guilty of the crime of eavesdropping and shall be  
17 punished by imprisonment for not more than two years  
18 or by a fine of not more than one thousand dollars, or  
19 both.

1 SECTION 2. Said chapter 272 is hereby further  
2 amended by inserting after section 99 the following sec-  
3 tion:—

4 *Section 99A.* The attorney general or the district at-  
5 torney for the district may issue written permission, but  
6 within fourteen days thereafter the said attorney gen-  
7 eral or district attorney upon oath or affirmation setting  
8 forth all the facts, shall apply to a justice of the superior  
9 court for a court order to issue validating the act of said  
10 attorney general or district attorney.

11 Such order for the interception of telegraphic or tele-  
12 phonic communications may be issued by any justice of  
13 the superior court upon oath or affirmation of the attor-  
14 ney general of the commonwealth or of the district at-  
15 torney for the district that there was and is reasonable  
16 ground to believe that evidence of crime could and may  
17 be thus obtained and identifying the particular tele-  
18 phone line or means of communications and particularly  
19 describing the person or persons whose communications  
20 were and are to be intercepted and the purpose thereof.  
21 In connection with the issuance of such an order, the  
22 justice may examine on oath the applicant and any  
23 other witness he may produce for the purpose of satis-  
24 fying himself of the existence of reasonable grounds for  
25 the granting of such application. Any such order shall  
26 be effective from the time said interception was first in-  
27 stituted, but not for a period of more than three months  
28 from said time, unless extended or renewed by a justice,  
29 upon satisfying himself that such extension or renewal  
30 is in the public interest. Any such order, together with  
31 the papers upon which the application was based, shall  
32 be delivered to and retained by the applicant as author-  
33 ity for intercepting or directing the interception of the  
34 telegraphic or telephonic communications transmitted  
35 over the instrument or instruments described. A copy  
36 of such order shall be impounded by the justice issuing  
37 the same. Application for such an order shall be heard  
38 privately by the court at the earliest possible time and  
39 shall take precedence of all other matters.

40 If the court refuses, after hearing, to validate such  
41 written permission of the attorney general or district at-  
42 torney, said written permission shall cease to be effec-  
43 tive, and no further action thereunder may be taken.  
44 In such case, the court may, if justice so requires, order  
45 the transcription and records already made of the inter-  
46 ception surrendered to the court for destruction.

