

HOUSE No. 2377

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 9, 1953.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 991) of Samuel W. Cohen for legislation to revoke the authority of the Attorney General and district attorneys to authorize wire tapping, report the accompanying bill (House, No. 2377).

For the committee,

JOHN E. MURPHY.

The Commonwealth of Massachusetts

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

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. Section 99 of chapter 272 of the Gen-
2 eral Laws, as appearing in the Tercentenary Edition,
3 is hereby amended by inserting after the word “dis-
4 trict”, in line 3, the words: — , pursuant to an order
5 issued by a justice of the supreme judicial or superior
6 court as provided in section ninety-nine A, — so as to
7 read as follows: — SECTION 99. Whoever, except
8 when authorized by written permission of the attorney
9 general of the commonwealth, or of the district attor-
10 ney for the district, pursuant to an order issued by a
11 justice of the supreme judicial or superior court as
12 provided in section ninety-nine A, secretly overhears,
13 or attempts secretly to overhear, or to have any other
14 person secretly overhear, any spoken words in any
15 building by using a device commonly known as a dic-
16 tagraph or dictaphone, or however otherwise de-
17 scribed, or any similar device or arrangement, or by
18 tapping any wire, with intent to procure information
19 concerning any official matter or to injure another,
20 shall be guilty of the crime of eavesdropping and shall
21 be punished by imprisonment for not more than two

22 years or by a fine of not more than one thousand
23 dollars, or both.

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

4 *Section 99A.* An order for the interception of tele-
5 graphic or telephonic communications may be issued
6 by any justice of the supreme judicial or superior
7 court upon oath or affirmation of the attorney gen-
8 eral of the commonwealth or of the district attorney
9 for the district that there is reasonable ground to
10 believe that evidence of crime may be thus obtained
11 and identifying the particular telephone line or means
12 of communications and particularly describing the
13 person or persons whose communications are to be
14 intercepted and the purpose thereof. In connection
15 with the issuance of such an order, the justice may
16 examine on oath the applicant and any other witness
17 he may produce for the purpose of satisfying himself
18 of the existence of reasonable grounds for the grant-
19 ing of such application. Any such order shall be
20 effective for the time specified therein, but not for a
21 period of more than three months, unless extended or
22 renewed by the justice who signed and issued the
23 original order, upon satisfying himself that such ex-
24 tension or renewal is in the public interest. Any such
25 order, together with the papers upon which the appli-
26 cation was based, shall be delivered to and retained
27 by the applicant as authority for intercepting or di-
28 recting the interception of the telegraphic or tele-
29 phonic communications transmitted over the instru-
30 ment or instruments described. A copy of such order
31 shall be impounded by the justice issuing the same.

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