

# HOUSE . . . . . No. 4480

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By Mr. Cohen of Newton, petition of David B. Cohen, Stephen W. Doran, Susan D. Schur, Barbara E. Gray, John A. Businger and Thomas M. Gallagher relative to the issuance of third party search warrants. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Eighty-Two.

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AN ACT RELATIVE TO THE ISSUANCE OF THIRD PARTY SEARCH WARRANTS.

*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 of Chapter 276 of the General Laws, as most recently  
2 amended by Chapter 508 of the Acts of 1974, is hereby further  
3 amended in the last paragraph thereof by changing the period at  
4 the end to a comma and adding the following words:

5 but no search or seizure without a warrant shall be conducted,  
6 and no warrant shall issue for the search or seizure of any property  
7 or articles in the possession of any person who is a psychotherapist,  
8 lawyer, clergyman or other professional person who is known to  
9 have, or may reasonably be assumed to have, a relationship with any  
10 other person which is the subject of a testimonial privilege; but this  
11 provision shall not impair or affect the ability, pursuant to other-  
12 wise applicable law, to search or seize without a warrant or to issue  
13 a warrant for the search or seizure of any property or articles where  
14 there is probable cause to believe that the person in possession of  
15 such property or articles has committed a criminal offense.

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