

By Mr. Cohen of Newton, petition of David B. Cohen for legislation to protect the privacy of innocent third parties in a confidential legal or medical relationship. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO PROTECT THE PRIVACY OF INNOCENT THIRD PARTIES IN A CONFIDENTIAL LEGAL OR MEDICAL RELATIONSHIP.

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 not 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 psychothera-
8 pist, lawyer, clergyman or other professional person who is known
9 to have or may reasonably be assumed to have, a relationship with
10 any other person which is the subject of a testimonial privilege; but
11 this provision shall not impair or affect the ability, pursuant to
12 otherwise applicable law, to search or seize without a warrant or to
13 issue a warrant for the search or seizure of any property or articles
14 where there is probable cause to believe that the person in posses-
15 sion of such property or articles has committed a criminal offense.

