

By Mr. Randall, a petition of Elliot L. Richardson, Allan Paul Danovitch, William I. Randall and William D. Weeks for legislation to repeal the present wiretapping and eavesdropping statutes and providing a new statute in relation thereto. Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT REPEALING THE PRESENT WIRETAPPING AND EAVESDROPPING STATUTES AND PROVIDING A NEW STATUTE IN RELATIONS THERETO.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Sections 99 and 100 of Chapter 272 of the General Laws, as
2 most recently amended by chapter 449 of the Acts of 1959 and
3 Sections 99A, 101 and 102 of Chapter 272, are hereby repealed
4 and the following section is substituted in place thereof.

5 *Section 99.* Interception of wire and oral communications.

6 A. *Definitions.* As used in this section: —

7 The term “wire communication” means any communication
8 made in whole or in part through the use of facilities for the
9 transmission of communications by the aid of wire, cable, or
10 other like connection between the point of origin and the point
11 of reception.

12 2. The term “oral communications” means speech.

13 3. The term “intercepting device” means any device or ap-
14 paratus which is capable of transmitting, receiving, amplify-
15 ing, or recording a wire or oral communication other than —

16 a. an extension telephone instrument furnished to the sub-
17 scriber or user by any communication common carrier in
18 the ordinary course of its business as such carrier, or

19 b. a hearing aid or similar device which is being used to
20 correct subnormal hearing to normal.

21 4. The term “interception” means to hear, record, or aid
22 another to hear or record the contents of any wire or oral com-

23 munication through the use of any intercepting device by any
24 person other than —

- 25 a. the sender or receiver of such communication.
- 26 b. a person within the range of normal unaided hearing
- 27 or subnormal hearing corrected to not better than normal,
- 28 or
- 29 c. a person given prior authority by such sender, re-
- 30 ceiver, or person within such range, to hear what the au-
- 31 thorizing person can hear.

32 5. The term "contents," when used with respect to any wire
33 or oral communication, means any information concerning the
34 identity of the parties to such communication or the existence,
35 contents, substance, purport, or meaning of that communica-
36 tion.

37 6. The term "aggrieved person" means an individual who
38 was a party to an intercepted wire or oral communication,
39 or who was named in the warrant authorizing the intercep-
40 tion, or whose property interests were invaded in the course
41 of the interception.

42 The term "designated offense" shall include the offenses of
43 murder, armed robbery, prostitution, kidnapping, extortion,
44 suborning, perjury, jury tampering, aggravated assault, arson,
45 bribery, tax evasion, gambling, larceny from the common-
46 wealth, lending of money or thing of value in violation of laws
47 of the commonwealth, bankruptcy fraud, any offense where
48 a wire communication is being used as an instrumentality in
49 the commission of the offense, any offense involving com-
50 mercial dealing in narcotics, being an accessory to any of the
51 foregoing offenses, and conspiracy or attempt to commit any
52 of the foregoing offenses.

53 8. The term "investigative or law enforcement officer"
54 means any officer of the United States, a state or a political
55 subdivision of a state, who is empowered by law to conduct in-
56 vestigations of, or to make arrests for, the designated of-
57 fenses, and any attorney authorized by law to participate in
58 the prosecution of such offenses.

59 9. The term "judge of competent jurisdiction" means the
60 chief justice of the supreme judicial court and such judges as

61 he shall designate, and the chief judge of the superior court
62 and such judges as he shall designate.

63 10. The term "communication common carrier" means any
64 person engaged as a common carrier in providing or operating
65 electronic communication facilities.

66 11. The term "person" means any individual, partnership,
67 association, joint stock company, trust, or corporation, whether
68 or not any of the foregoing is an officer, agent or employee of
69 the United States, a state, or a political subdivision of a state.

70 B. Offenses.

71 1. *Interception, oral communications prohibited.*

72 Except as otherwise specifically provided in this section any
73 person who willfully intercepts, attempts to intercept, or pro-
74 cures any other person to intercept or attempt to intercept,
75 any wire or oral communication shall be fined not more than
76 ten thousand dollars, or imprisoned in the state prison not more
77 than five years, or imprisoned in a jail or house of correction
78 not more than two and one half years, or both so fined and
79 given one such imprisonment.

80 2. *Editing or tape recordings in judicial proceeding pro-* 81 *hibited.*

82 Except as otherwise specifically provided in this section any
83 person who willfully edits, alters, or tampers with any tape,
84 transcription, or other sound recording, or knows of such
85 editing, altering, or tampering, and presents such recording
86 in any judicial proceeding or proceeding under oath, without
87 fully indicating the nature of the changes made and the origi-
88 nal state of the recording, shall be fined not more than ten
89 thousand dollars, or imprisoned in the state prison not more
90 than five years, or imprisoned in a jail or house of correction
91 not more than two years, or both so fined and given one such
92 imprisonment.

93 3. *Disclosure, or use of wire or oral communications pro-* 94 *hibited.*

95 Except as otherwise specifically provided in this section any
96 person who —

- 97 a. willfully discloses or attempts to disclose to any person
- 98 the contents of any wire or oral communication, knowing

99 that the information was obtained through interception; or
 100 b. willfully uses or attempts to use the contents of any
 101 wire or oral communication; knowing that the information
 102 was obtained through interception shall be guilty of a mis-
 103 demeanor punishable by imprisonment in a jail or a house of
 104 correction for not more than two years or by a fine of not
 105 more than five thousand dollars or both.

106 4. *Disclosure of contents of applications, warrants, re-*
 107 *newals, and returns prohibited.*

108 Except as otherwise specifically provided in this section any
 109 person who willfully discloses to any person, any information
 110 concerning or contained in the application for the granting or
 111 denial of orders for interception, renewals, notice or return on
 112 an ex parte order granted pursuant to this section, or the con-
 113 tents of any document, tape, or recording kept in accordance
 114 with paragraph N, shall be guilty of a misdemeanor punish-
 115 able by imprisonment in a jail or a house of correction for
 116 not more than two years or by a fine of not more than five
 117 thousand dollars or both.

118 5. *Duty to report to law enforcement officers.*

119 An employee of any communication common carrier who
 120 has knowledge obtained during the course of such employment
 121 of any violation of this section and willfully fails to report
 122 such knowledge within seven days to a district attorney or the
 123 attorney general shall be guilty of a misdemeanor punishable
 124 by imprisonment in a jail or a house of correction for not
 125 more than two years or by a fine of not more than five thou-
 126 sand dollars or both.

127 C. *Exemptions.*

128 1. It shall not be a violation of this section —

129 a. for an operator of a switchboard, or any officer, agent,
 130 or employee of any communication common carrier, whose
 131 facilities are used in the transmission of a wire communi-
 132 cation, to intercept, disclose, or use that communication in
 133 the normal course of his employment while engaged in any
 134 activity which is a necessary incident to the operation of
 135 such facilities; provided that when any communication com-
 136 mon carrier intercepts or monitors the content of conversa-

137 tions between users it shall emit a "beep" tone or other
 138 identifying signal; or

139 b. for persons to use intercepting devices for security or
 140 business purposes so long as adequate warning is given to
 141 the public that such devices are in use; or

142 c. for persons to use an office intercommunication sys-
 143 tem for business purposes,

144 d. for federal officers to violate the provisions of this
 145 section provided such officers act lawfully pursuant to a
 146 statute of the United States Government; or

147 e. for any person duly authorized to make specific inter-
 148 ceptions by a warrant issued under paragraph E to make
 149 such interceptions.

150 2. *Permitted disclosure and use of intercepted wire or oral*
 151 *communications.*

152 a. Any investigative or law enforcement officer who, by
 153 any means authorized by this section, has obtained knowl-
 154 edge of the contents of any wire or oral communication, or
 155 evidence derived therefrom, may disclose such contents or
 156 evidence to another investigative or law enforcement officer
 157 to the extent that such disclosure is appropriate to the
 158 proper performance of the official duties of the officer mak-
 159 ing and receiving the disclosure.

160 b. Any investigative or law enforcement officer who, by
 161 any means authorized by this section, has obtained knowl-
 162 edge of the contents of any wire or oral communication, or
 163 evidence derived therefrom, may use such contents in the
 164 proper discharge of his official duties.

165 c. Any person who has obtained, by any means authorized
 166 by this section, knowledge of the contents of any wire or
 167 oral communication, or evidence derived therefrom, may
 168 disclose such contents while giving testimony under oath
 169 or affirmation in any criminal proceeding in any court of
 170 the United States or of any state or in any Federal or state
 171 grand jury proceeding involving one of the designated of-
 172 fenses.

173 d. The contents of any wire or oral communication in-
 174 tercepted in accordance with the provisions of this section,

175 or evidence derived therefrom, may otherwise be disclosed
176 only upon a showing of good cause before a judge of compe-
177 tent jurisdiction.

178 D. *Warrants; when issuable.*

179 A warrant may issue only upon a sworn application in con-
180 formity with this article, and upon reasonable cause to believe
181 that cogent evidence of the commission of a designated of-
182 fense or information essential to the apprehension of the
183 perpetrator thereof, may be thereby obtained, and when there
184 are no other means reasonably available whereby comparable
185 evidence or information may be obtained.

186 E. *Warrants; application.*

187 1. The attorney general, any assistant attorney general
188 specially designated by the attorney general, any district at-
189 torney, or any assistant district attorney acting as district at-
190 torney, may apply ex parte to a judge of competent jurisdic-
191 tion for a warrant to intercept wire or oral communications.
192 Each application ex parte for a warrant must be in writing,
193 subscribed and sworn to by the applicant authorized by this
194 article.

195 2. The application must contain:

196 a. a statement of facts establishing reasonable cause to
197 believe that a particularly described designated offense has
198 been, is being, or is about to be committed; and

199 b. a statement of facts establishing reasonable cause to
200 believe that conversation of a particularly described person
201 which will constitute cogent evidence of such crime, or
202 which will materially aid in the apprehension of the pepe-
203 trator, will occur in a particularly described place or prem-
204 ises, or over particularly described telephone or telegraph
205 lines; and

206 c. a particular description of the nature of the conversa-
207 tion sought to be intercepted; and

208 d. a statement that the conversation sought is material
209 to a particularly described investigation or prosecution, that
210 such conversation is not legally privileged and that no other
211 means are reasonably available to obtain comparable in-
212 formation or evidence; and

213 e. a statement of the period of time for which the inter-
214 ception is required to be maintained. If practicable, the ap-
215 plication should designate hours of the day or night during
216 which the conversation may be reasonably expected to oc-
217 cur. If the nature of the investigation is such that the au-
218 thorization for the interception should not automatically
219 terminate when the described conversation has been first
220 obtained, the application must specifically state facts es-
221 tablishing reasonable cause to believe that additional con-
222 versation of the same nature will occur thereafter; and

223 f. if it is reasonably necessary to make a secret entry
224 upon a private place or premises in order to install an in-
225 tercept device to effectuate the purposes of the application,
226 a statement to such effect describing generally the device
227 to be installed; and

228 g. if a prior application has been submitted or a warrant
229 previously obtained for intercepting a wire or oral com-
230 munication, a statement fully disclosing the date, court, ap-
231 plicant, execution, results, and present status thereof; and

232 h. if there are exigent circumstances requiring the post-
233 ponement of notice pursuant to paragraph L, subparagraph
234 2, a description of such circumstances, including reasons for
235 the applicant's belief that secrecy is essential to obtaining
236 the evidence or information sought.

237 3. Allegations of fact in the application may be based either
238 upon the personal knowledge of the applicant or upon in-
239 formation and belief. If the applicant personally knows the
240 fact alleged, he must so state. If the facts establishing such
241 reasonable cause are derived in whole or part from the state-
242 ments of persons other than the applicant, the sources of such
243 information and belief must be either disclosed or described,
244 and the application must contain facts establishing the ex-
245 istence and reliability of the informant, or the reliability of
246 the information supplied by him. The application must also
247 state, so far as possible, the basis of the informant's knowl-
248 edge or belief. If the applicant's information and belief is de-
249 rived from tangible evidence or recorded oral evidence, a copy
250 or detailed description thereof should be annexed to or in-

251 cluded in the application. Affidavits of persons other than the
252 applicant may be submitted in conjunction with the applica-
253 tion if they tend to support any fact or conclusion alleged
254 therein. Such accompanying affidavits may be based either on
255 personal knowledge of the affiant, or information and belief
256 with the source thereof and reason therefor specified.

257 *F. Warrants; application to whom made.*

258 Application for a warrant to intercept a wire or oral com-
259 munication must be made to a judge of a competent jurisdic-
260 tion in the county where the intercept is to occur or the county
261 where the office of the applicant is located; except that for
262 these purposes the office of the attorney general shall be
263 deemed to be located in Suffolk County.

264 *G. Warrants; application how determined.*

265 1. If the application conforms to paragraph E, the judge
266 may examine under oath or otherwise interrogate any person
267 for the purpose of determining whether grounds exist for the
268 issuance of the warrant pursuant to paragraph D. Any such
269 examination or interrogation must be either recorded or sum-
270 marized in writing.

271 2. If satisfied that grounds exist for the issuance of a war-
272 rant pursuant to paragraph D, the judge may grant the ap-
273 plication and issue a warrant in accordance with paragraph H.
274 Copies of both such instruments must be retained by the is-
275 suing judge.

276 3. If the application does not conform to paragraph E, or
277 if the judge is not satisfied that grounds exist for the issuance
278 therefor, the application must be denied.

279 *H. Warrants; form and content.*

280 A warrant must contain:

281 1. The subscription and title of the issuing judge; and

282 2. The date of issuance, date of effect, and termination date.
283 The effective period of the warrant shall not exceed fifteen
284 days. If the effective period of the warrant is to terminate
285 upon the acquisition of particular evidence or information, the
286 warrant shall so provide; and

287 3. A particular description of the person and the place,

288 premises or telephone or telegraph line upon which eaves-
289 dropping may be conducted; and

290 4. A particular description of the nature of the conversa-
291 tion to be obtained by the intercept, including a statement of
292 the designated offense to which it relates; and

293 5. An express authorization to make secret entry upon a
294 private place or premises to install a specified intercepting
295 device, if such entry is necessary to execute the warrant; and

296 6. A statement providing for notice pursuant to Paragraph
297 L., except that if there has been a finding of exigent circum-
298 stances requiring the postponement of such notice, a state-
299 ment of such finding together with the basis therefor must be
300 included and an alternative direction for deferred notice pur-
301 suant to Paragraph L, Subparagraph 2.

302 *I. Warrant, Amendment of.*

303 On motion of the applicant any warrant issued pursuant to
304 this section may, in the discretion of the judge issuing the
305 warrant or in his absence any other judge of competent juris-
306 diction, be amended to include any matters which would have
307 been properly includable if known at the time of the issuance
308 of the warrant. Such motion to amend the warrant must be
309 made within a reasonable time after the applicant acquires
310 knowledge of facts which make such matter includable in the
311 warrant.

312 *J. Warrants; renewals.*

313 1. At any time prior to the expiration of a warrant or a
314 renewal thereof, the applicant may apply to any judge of a
315 superior court in the county where the original warrant was
316 issued for a renewal thereof with respect to the same person,
317 place, premises, or telephone or telegraph line. An applica-
318 tion for renewal must incorporate the warrant sought to be
319 renewed together with the application therefor and any ac-
320 companying papers upon which it was issued. The applica-
321 tion for renewal must set forth the results of the interceptions
322 thus far conducted. In addition, it must set forth present
323 grounds for extension in conformity with paragraph E.

324 2. Upon such application, the judge may issue an order re-
325 newing the warrant and extending the authorization for a

326 period not exceeding fifteen days from the entry thereof. Such
327 an order shall specify the basis for the finding of present
328 reasonable cause for the issuance thereof.

329 K. *Warrants; manner and time of execution.*

330 1. A warrant may be executed pursuant to its terms any-
331 where in the state.

332 2. Such warrant may be executed by the authorized ap-
333 plicant personally or by another public servant designated by
334 him for the purpose.

335 3. The warrant may be executed according to its terms
336 during the hours specified therein, and for the period therein
337 authorized, or a part thereof; provided, however that unless
338 specifically otherwise ordered, the authorization must termi-
339 nate upon the acquisition of the conversations described in
340 the warrant. Upon termination of the authorization in the
341 warrant and any renewals thereof, the interception must cease
342 at once, and any device installed for the purpose of the in-
343 terception must be removed as soon thereafter as practicable.
344 Entry upon private premises for the removal of such device
345 is deemed to be authorized by the warrant.

346 L. *Warrants; notice.*

347 1. Prior to the execution of an intercept warrant, written
348 notice of the issuance thereof, must, except as otherwise pro-
349 vided in subdivision two, be served upon a person whose con-
350 versation is to be obtained, or if an intercept device is to be
351 installed upon the owner, lessee, or occupant of the place or
352 premises, or upon the subscriber to the telephone or owner or
353 lessee of the telegraph line described in the warrant.

354 2. If the application specially alleges exigent circumstances
355 requiring the postponement of notice, and the issuing court
356 finds that such circumstances exist, the warrant may provide
357 that notice may be served within thirty days after the expira-
358 tion of the warrant or, in case of any renewals thereof, within
359 thirty days after the expiration of the last renewal; except
360 that upon a showing of important special facts requiring
361 further postponement of notice, the judge may direct that
362 notice be served at such time as may be appropriate in the
363 circumstances.

364 3. The notice shall be served by an officer authorized to
365 serve criminal process, if possible by leaving an attested copy
366 thereof with the person to be served or at his usual place of
367 abode, and where that is not possible by mailing an attested
368 copy by registered or certified mail to his last known place
369 of abode. In no event shall notice be postponed beyond a
370 period of time longer than the longest statute of limitations of
371 any designated offense in the warrant.

372 M. *Warrant, return.*

373 Within fourteen days after the termination of the warrant or
374 the last renewal thereof, a return must be made thereon to the
375 judge issuing the warrant by the applicant therefor, stating:

376 a. the nature and location of the communications facilities
377 or the place where the interceptions were made;

378 b. the period of time during which such interceptions were
379 made;

380 c. the names of the parties to the communications inter-
381 cepted if known; and

382 d. a brief summary of evidence or information obtained by
383 the intercept.

384 N. *Custody and Secrecy of papers and recordings made
385 pursuant to a warrant.*

386 The contents of any wire or oral communication intercepted
387 pursuant to a warrant issued under this paragraph shall, if
388 if possible, be recorded on tape or wire. Duplicate tapes or
389 wire recordings may be made for use pursuant to subpara-
390 graphs 2 (a) and (b) of Paragraph C for investigations. Within
391 twenty-one days after the end of the period specified in the
392 warrant or extensions thereof, or within such further time as
393 the judge may order, the original tape or wire recordings shall
394 be made available to the issuing judge. Applications, warrants,
395 renewals, returns, and recordings shall be kept wherever the
396 judge orders. Their content shall not be disclosed except as
397 provided in this section where a return has been made and
398 the court finds no defects. The papers, recordings, etc., may
399 be transferred to the trial court and the trial judge may dis-
400 close them in accordance with Paragraph C, subparagraph 2,
401 or Paragraph O or any other applicable provision of this sec-

402 tion. They shall be kept for at least ten years, or for the
403 longest period of limitations for any designated offense speci-
404 fied in the warrant, whichever is longer, and they shall not be
405 altered or destroyed except on order of the issuing judge. If
406 the issuing or denying judge is unavailable at a time
407 when action by him is required by this paragraph,
408 any judge of competent jurisdiction may take such
409 action.

410 O. *Introduction in evidence.*

411 In any criminal trial where the commonwealth intends to
412 offer in evidence any portions of the contents of interception
413 pursuant to a warrant issued under this section the defendant
414 shall be furnished a recording, or where no recording exists,
415 a copy, of such portions and a copy of such parts of applica-
416 tion, extensions of the warrant, or return as are relevant
417 thereto, at least ten days prior to trial.

418 P. *Suppression of evidence.*

419 1. Any aggrieved person who is a defendant in a criminal
420 trial in a court of the commonwealth may move to suppress
421 the contents of any intercepted wire or oral communication
422 or evidence derived therefrom, on the grounds that —

423 a. the communication was unlawfully intercepted by a law
424 enforcement officer or a person acting as his agent;

425 b. the warrant under which it was intercepted is insufficient
426 on its face; or

427 c. the interception was not made in conformity with the
428 warrant.

429 2. *The motion in general.*

430 A person claiming to be aggrieved by an unlawful inter-
431 ceptor and having reasonable grounds to believe that the
432 contents thereof, hereinafter referred to as property, claimed
433 to have been unlawfully obtained may be used as evidence
434 against him in criminal proceeding, may move for the return
435 of such property or for the suppression of its use as evidence.
436 The court shall hear evidence upon any issue of fact necessary
437 to determination of the motion.

438 If the motion is granted, the property shall be restored un-
439 less otherwise subject to lawful detention, and in any event

440 it shall not be admissible in evidence in any criminal proceed-
441 ing against the moving party.

442 If the motion is denied, the order denying such may be
443 reviewed on appeal from a judgment of conviction notwith-
444 standing the fact that such judgment of conviction is predi-
445 cated upon a plea of guilty.

446 3. *Time of making and determination.*

447 a. The motion shall be made with reasonable diligence prior
448 to the commencement of any trial in which the property
449 claimed to have been unlawfully obtained is proposed to be
450 offered as evidence, except that the court shall entertain a mo-
451 tion made for the first time during trial upon a showing that
452 (1) the defendant was unaware of the seizure of the property
453 until after the commencement of the trial, or (2) the de-
454 fendant, though aware of the seizure prior to trial, has, only
455 after the commencement of the trial, obtained material evi-
456 dence indicating unlawful acquisition, or (3) the defendant
457 has not had adequate time or opportunity to make the motion
458 before trial.

459 b. If a motion has been made and denied before trial, the
460 determination shall be binding upon the trial court, except
461 that, if it is established that, after the making of such motion,
462 the defendant obtained additional, material evidence of un-
463 lawfulness which could not have been obtained with reason-
464 able diligence before the making of the motion, the court shall
465 entertain another motion, or a renewal of a motion, during
466 the trial.

467 c. When the motion is made before trial, the trial shall not
468 be commenced until the motion has been determined, except
469 that, in the case of misdemeanors and such offenses over which
470 the court has summary jurisdiction, the court having sum-
471 mary jurisdiction over such crimes and offenses may, by gen-
472 eral rule of court, provided that the hearing and determination
473 of such motions may be referred to the trial court for de-
474 termination during the course of the trial upon the consent of
475 the district attorney, or the attorney general or if no contrary
476 general rule of court has been promulgated, the court before
477 which the motion is made shall have discretion either to en-

478 tertain the motion, or to, refer it to the trial court for deter-
 479 mination during the course of the trial if the district attorney
 480 or the attorney general consents thereto. When the motion is
 481 made during trial, the court shall, in the absence of the jury,
 482 if there be one, hear evidence in the same manner as if the
 483 motion has been made prior to trial, and shall decide all issues
 484 of fact and law.

485 d. If no motion is made in accordance with the provisions
 486 of this title, the defendant shall be deemed to have waived any
 487 objection during trial to the admission of evidence based on
 488 the ground that such evidence was unlawfully obtained.

489 e. *Appeal from the Granting of a Motion to Suppress.*

490 In addition to any other right of appeal, the commonwealth
 491 by the attorney general or district attorney shall have the right
 492 to appeal from an order allowing a motion to suppress made
 493 under subparagraph P of this section if the officer taking the
 494 appeal shall certify that the appeal is not taken for purposes
 495 of delay. Such appeal shall be taken within thirty days after
 496 the date of allowance of the motion to suppress, and shall be
 497 diligently prosecuted. If the motion to suppress is allowed
 498 prior to trial the appeal shall be decided prior to trial. If the
 499 motion to suppress is allowed during trial and the appeal is
 500 granted during trial the evidence may be admitted at trial. If
 501 it is decided after the completion of trial and the appeal is
 502 granted, the district attorney or the attorney general may
 503 move for a new trial and such motion shall be granted by the
 504 trial judge if the evidence suppressed is found to be material.

505 Q. *Civil remedy.*

506 Any party to a conversation intercepted, disclosed, or used
 507 in violation of this section shall have a civil cause of action
 508 against any person who intercepts, discloses, or uses such com-
 509 munications, and shall be entitled to recover from any such
 510 person —

- 511 1. actual damages but not less than liquidated damages com-
 512 puted at the rate of \$100 per day for each day of violation or
 513 \$1000, whichever is higher;
- 514 2. punitive damages; and
- 515 3. a reasonable attorney's fee and other litigation disburse-

516 ments reasonably incurred. Good faith reliance on a warrant
 517 issued under this section shall constitute a complete defense
 518 to an action brought under this paragraph.

519 R. *Annual Report of Interceptions to the General Court.*

520 On the second Friday of January, each year, the attorney
 521 general and each district attorney shall submit a report to the
 522 general court stating (1) the number of applications made
 523 for warrants during the previous year, (2) the name of the
 524 applicant, (3) the number of warrants issued, (4) the effective
 525 period for the warrants, (5) the number and designation of
 526 the offences for which those applications were sought, (6) the
 527 number of renewals, (7) the number of intercepts made dur-
 528 ing the previous year, (8) the number of indictments believed
 529 to be obtained as a result of those intercepts, (9) the number
 530 of criminal convictions obtained in trials where interception
 531 evidence was introduced. This report shall be a public docu-
 532 ment.

533 S. *Severability.*

534 If any provision of this section or application thereof to any
 535 person or circumstances is held invalid, such invalidity shall
 536 not affect other provisions or applications of the section which
 537 can be given effect without the invalid provision or applica-
 538 tion, and to this end the provisions of this section are declared
 539 to be severable.