

**SENATE . . . . . No. 1090**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Patrick M. O'Connor***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to level-three sex offender residency restrictions.

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PETITION OF:

NAME:

*Patrick M. O'Connor*

DISTRICT/ADDRESS:

*First Plymouth and Norfolk*

**SENATE . . . . . No. 1090**

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By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1090) of Patrick M. O'Connor for legislation relative to level-three sex offender residency restrictions. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1116 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to level-three sex offender residency restrictions.

*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. Definitions. For the purpose of this section, the following terms shall have  
2 the respective meanings ascribed to them:

3           “Adult criminal level 3 sex offender”. a person convicted of a criminal sex offense and  
4 designated as a Level 3 sex offender by the Massachusetts Sex Offender Registry Board. The  
5 Board has determined that these individuals have a high risk to reoffend and that the degree of  
6 dangerousness posed to the public is such that a substantial public safety interest is served by  
7 active community notification.

8           “GIS”. geographic information system.

9           “School”. a licensed or accredited public or private school or church school that offers  
10 instruction in pre-school, including a licensed day care or other business permitted as a school, or

11 any of grades Kindergarten through Grade 12. This definition shall not include private residences  
12 in which students are taught by parents or tutors.

13 SECTION 2. A city or town which accepts this section in the manner provided in section  
14 4 of chapter 4 may impose a local zoning restriction on the residency of level three-sex offenders  
15 in the following manner:

16 (a) Any community that, by majority vote of the city council or town meeting, shall make  
17 it unlawful for any adult criminal Level 3 sex offender to establish a residence or any other living  
18 accommodations within 1500 feet of the property on which any school, day-care center, park, or  
19 recreational facility open to the public is located. The fifteen-hundred-foot restriction shall be  
20 measured in a straight line from the nearest property line upon which the house, apartment  
21 complex, condominium complex, motel, hotel or other residence is located to the property line of  
22 the nearest school, day-care center, park, or recreational facility. Distances will be taken from the  
23 state's GIS system, and GIS services to the state shall be presumed accurate and shall be  
24 evidence of a violation.

25 (b) Changes to property resulting in a school, day-care center, park, or recreational  
26 facility within 500 feet of an adult criminal Level 3 sex offender's registered address which occur  
27 after an adult criminal Level 3 sex offender establishes residency shall not form the basis for  
28 finding that a criminal sex offender is in violation of this section.

29 (c) Level 3 registered sex offenders who reside on a permanent or temporary basis within  
30 500 feet of any school, day-care center, park, or recreational facility following passage of this  
31 section shall be in violation of this section and shall, within 30 days of receipt of written notice  
32 of the registered sex offender's noncompliance with this section, move from said location to a

33 new location, but said new location may not be within 1500 feet of any school, day-care center,  
34 park, or recreational facility. The first day following the thirty-day written notice shall be  
35 considered the first violation. Following the first violation, every day that the registered sex  
36 offender continues to reside within 1500 feet of any school, day-care center, park, or recreational  
37 facility shall be considered a separate violation.