HOUSE DOCKET, NO. 2986 FILED ON: 1/18/2013

HOUSE . . . . . No. 1409

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 passage of the accompanying:

An Act relative to protecting the citizens of the Commonwealth from sex offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*
Donald F. Humason, Jr.	*4th Hampden*
Angelo L. D'Emilia	*8th Plymouth*
F. Jay Barrows	*1st Bristol*
Sheila C. Harrington	*1st Middlesex*
Paul K. Frost	*7th Worcester*
Randy Hunt	*5th Barnstable*
Laurie Myers	*Community VOICES (president)* *7 Pinehill Avenue* *Chelmsford, MA 01824*
Joseph DiPietro	*Protect Mass Children* *1150 Walnut Street* *Newton, Ma 02458*
Shaunna O'Connell	*3rd Bristol*

Todd M. Smola	*1st Hampden*
Ryan C. Fattman	*18th Worcester*
Nicholas A. Boldyga	*3rd Hampden*
Kimberly N. Ferguson	*1st Worcester*
Donald H. Wong	*9th Essex*
James J. Lyons, Jr.	*18th Essex*
Peter J. Durant	*6th Worcester*
Bruce J. Ayers	*1st Norfolk*
Keiko M. Orrall	*12th Bristol*
James J. Dwyer	*30th Middlesex*
Kevin J. Kuros	*8th Worcester*
Matthew A. Beaton	*11th Worcester*
Geoff Diehl	*7th Plymouth*
Danielle W. Gregoire	*4th Middlesex*
Bruce E. Tarr	*First Essex and Middlesex*
Brian M. Ashe	*2nd Hampden*
James M. Cantwell	*4th Plymouth*
Daniel B. Winslow	*9th Norfolk*

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HOUSE . . . . . No. 1409

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1409) of Bradley H. Jones, Jr. and others relative to protection from sex offenders. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to protecting the citizens of the Commonwealth from sex offenders.

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

SECTION 1. Section 172A of chapter 6 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, in line 6, after the word "exempt.", the following:-

A fee shall not be assessed for a request made by a parent or legal guardian or legal custodian for the criminal record information of a childcare provider who has or may have direct contact with a child of such parent or a child under the care of such legal guardian or legal custodian.

SECTION 2. Chapter 6 of the General Laws is hereby amended by striking out sections 178C to 178Q, inclusive, as appearing in the 2010 Official Edition, and inserting in place thereof the following sections:-

Section 178C. Definitions

As used in sections 178C to 178Q, inclusive, the following words shall have the following meanings:

"Agency", the department of correction, any county correctional facility, any federal correction facility, the department of youth services, the department of children and families, the parole board, the office of the commissioner of probation, the department of mental health, the department of developmental services and the trial court including any program providing administrative, security, treatment or rehabilitation services to sex offenders of any agency, whether the program is conducted under a contract with a private entity or otherwise. Notwithstanding any general or special law to the contrary, each agency shall be authorized to receive criminal offender record information and juvenile record information maintained by the department of criminal justice information services for the purpose of identifying sex offenders or concerning sex offenders in the care and custody of an agency.

24 “Board”, shall mean the sex offender registry board.

25 “Conviction” or “Convicted”, shall mean any judgment of conviction on a criminal
26 charge in which a sentence is imposed whether by: (a) a finding of guilt; (b) an adjudication as a
27 delinquent juvenile or a youthful offender; (c) a guilty finding or adjudication as a delinquent
28 juvenile or a youthful offender that is placed on file; (d) a finding of not guilty by reason of
29 insanity; (e) a similar disposition of another jurisdiction, United States or military, territorial or
30 Indian tribal authority; or (f) a similar disposition of the nations of Canada, United Kingdom,
31 Australia, New Zealand, or any other country the United States State Department, in its Country
32 Reports on Human Rights Practices, has concluded had an independent judiciary that generally
33 enforced the right to a fair trial during the year in which the convictions occurred. The
34 aforementioned judicial dispositions shall constitute convictions whether they were sealed,
35 expunged, or subject to similar relief under statute or any other rule of law unless relief was
36 granted as part of vacating the conviction.

37 “Criminal History”, includes the date of all arrests and convictions, status of parole,
38 probation or supervised release, sex offender registration, and outstanding arrest warrants for the
39 sex offender.

40 “Custody”, shall include (a) confinement in any secure building, enclosure, space or
41 structure for the jailing, incarceration, control, and rehabilitation of committed or convicted sex
42 offenders operated by the department of correction, any county correctional facility or any
43 federal correctional facility at which the sex offender so confined has no ability to live, work, or
44 attend school in the community or (b) confinement or commitment in accordance to law to a
45 secure building, enclosure, space or structure at which the sex offender so committed has no
46 ability to live, work, or attend school in the community and which is operated by the department
47 of youth services, department of mental health or the department of developmental services.

48 “Employment” or “Work”, includes work that is full-time or part-time for a (a) period of
49 time exceeding 3 consecutive days excluding legal holidays, Saturdays and Sundays or (b) for an
50 aggregate period of time exceeding 14 days during any calendar year, whether compensated or
51 uncompensated, self-employed or working for an entity. To “work” shall mean to perform
52 employment or work as defined herein.

53 “Internet identifiers and addresses”, includes any names, aliases, pseudonyms,
54 designations or monikers that the sex offender uses for purposes of routing or self-identification
55 on the internet, including personal web site addresses, e-mail addresses, computer instant
56 messaging screen names, and internet protocol addresses.

57 “Jurisdiction”, a state, the District of Columbia, the commonwealth of Puerto Rico,
58 Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, or a
59 federally recognized Indian tribe.

60 “Habitually lives”, includes any location in which a person has a residence or, if a person
61 has no fixed residence, lives or stays with some regularity, including but not limited to homeless
62 shelters, secondary addresses, or descriptive geographical locations within a town or city.

63 “Homeless”, describes persons who do not have a fixed residence or who identify a
64 homeless shelter as their residence.

65 “Minor”, shall mean any person under 18 years of age.

66 “Register as a sex offender”, the act of a sex offender appearing in person before the
67 agency which has custody of the sex offender or the appropriate local police department in order
68 for:

69 (a) the sex offender to provide the following registration information:

70 (1) the names, aliases, primary or given names, nicknames, pseudonyms, internet or
71 social media identifiers, and ethnic or tribal names by which the sex offender is known;

72 (2) the sex offender’s telephone numbers, including fixed location phones, mobile
73 phones, and internet based phone service;

74 (3) the sex offender’s social security number;

75 (4) the sex offender’s residential address or intended residential address, any secondary
76 addresses or intended secondary addresses, temporary lodging information, and if the sex
77 offender is homeless or anticipates being homeless, the homeless shelters and the geographical
78 locations, including districts, neighborhoods, sections and villages within cities and towns, in
79 which the sex offender habitually lives or anticipates living;

80 (5) the sex offender’s employment status, and if employed, the employer’s name and
81 address or intended employer’s name and address and, if the sex offender’s employment is such
82 that his work is migratory, itinerant, or transient, the cities or towns where the sex offender
83 habitually works;

84 (6) the names and addresses of any schools at which the sex offender is enrolled as a
85 student or intends to enroll as a student;

86 (7) the sex offender’s vehicle information and a copy of the sex offender’s driver’s
87 license or identification card;

88 (8) a copy of the sex offender’s professional licensing information;

89 (9) a copy of the sex offender’s passport, visa, and any travel documents, and if the
90 offender is a resident alien or alien, any documents establishing the immigration status of the
91 offender;

92 (b) the agency which has custody of the sex offender or the local police department to:

93 (1) obtain the sex offender's: date of birth, sex, race, height, weight, eye color, hair color,
94 scars, marks, tattoos, photograph, fingerprints and palm prints;

95 (2) confirm that a copy of the sex offender's driver's license or identification card is
96 included in the sex offender registry;

97 (3) confirm that the sex offender's DNA sample has been collected for analysis in the
98 Combined DNA Index System as required under chapter 22E; and

99 (4) confirm that all registration information has been entered accurately and completely
100 into the sex offender registry.

101 "Registration information",

102 (a) the names, aliases, primary or given names, nicknames, pseudonyms, internet or
103 social media identifiers, and ethnic or tribal names by which the sex offender is known;

104 (b) the sex offender's telephone numbers, including fixed location and mobile phones;

105 (c) the sex offender's social security number;

106 (d) the sex offender's residential address or intended residential address, any secondary
107 addresses or intended secondary addresses, temporary lodging information, and if the sex
108 offender is homeless, the homeless shelters and the geographical locations, including districts,
109 neighborhoods, sections and villages within cities and towns, in which the sex offender
110 habitually lives;

111 (e) the sex offender's employment status, and if employed, the employer's name and
112 address or intended employer's name and address and, if the sex offender's employment is such
113 that his work is migratory, itinerant, or transient, the cities or towns where the sex offender
114 works;

115 (f) the names and addresses of any schools at which the sex offender is enrolled as a
116 student;

117 (g) the sex offender's vehicle information;

118 (h) a copy of the sex offender's professional licensing information;

119 (i) a copy of the sex offender's passport, visa, and any other travel and immigration
120 documents;

121 (j) a copy of the sex offender's driver's license or identification card;

122 (k) the sex offender's date of birth, sex, race, height, weight, eye, hair color, scars, marks,
123 and tattoos;

124 (l) a current photograph of the sex offender;

125 (m) the statutory citation and text of the sex offense which gives rise to the sex offender's
126 obligation to register, the sentence imposed, the city or town where the offense occurred, the date
127 of conviction, and the ages of the victim and the sex offender at the time of the sex offense, as
128 provided by the board;

129 (n) the sex offender's criminal history, as provided by the board;

130 (o) the sex offender's fingerprints and palm prints;

131 (p) a DNA profile of the sex offender;

132 (q) any other information which may be useful in assessing the risk of the sex offender to
133 reoffend; and

134 (r) any other information which may be useful in identifying the sex offender.

135 "Residence", the location where a person lives or will live, regardless of the number of
136 days or nights spent there, and includes, but is not limited to: houses, apartment buildings, hotels,
137 motels, boarding houses, homeless shelters, and recreational and other vehicles. To "reside" shall
138 mean to have a residence as defined herein.

139 "School", any public or private educational institution including any secondary, trade,
140 vocational or professional institution, or any institution of higher learning.

141 "Second and subsequent conviction", the later of 2 or more separate convictions. Multiple
142 convictions resulting from a single act shall be treated as a single conviction, but arraignments
143 occurring on the same date and resulting in multiple convictions shall be presumed to be the
144 result of separate acts.

145 "Secondary addresses" or "Temporary Lodging Information", the addresses of all places
146 where a sex offender lives, abides, lodges, or stays for a period of 7 or more days in the
147 aggregate during any calendar year and which is not a sex offender's primary address; or a place
148 where a sex offender routinely lives, abides, lodges, or resides for a period of 4 or more
149 consecutive or nonconsecutive days in any month and which is not a sex offender's permanent
150 address, including any out-of-state addresses and identifying the place and the period of time the
151 sex offender is staying there.

152 "Sex offender", any person who resides, has secondary address(es), works or is enrolled
153 in school in the commonwealth and who at any time:

154 (a) was convicted of a sex offense or has been adjudicated a youthful offender or as a
155 delinquent juvenile by reason of a sex offense;

156 (b) was adjudicated a sexually dangerous person under chapter 123A or was released
157 from civil commitment under chapter 123A; or

158 (c) had an obligation to register as a sex offender under the laws of any other jurisdiction,
159 United States or military, territorial or Indian tribal authority.

160 "Sex offender registry", the collected registration information and data that is received by
161 the sex offender registry board under sections 178C to 178Q, inclusive, as the registration
162 information and data is modified or amended by the sex offender registry board, authorized
163 agency or a court of competent jurisdiction under sections 178C to 178Q, inclusive.

164 "Sex offense", an indecent assault and battery on a child under the age of 14 under
165 section 13B of chapter 265; aggravated indecent assault and battery on a child under the age of
166 14 under section 13B1/2 of chapter 265; a repeat offense under section 13B3/4 of chapter 265;
167 indecent assault and battery on a person with an intellectual disability under section 13F of
168 chapter 265; indecent assault and battery on a person age 14 or over under section 13H of
169 chapter 265; rape under section 22 of chapter 265; rape of a child under the age of 16 with force
170 under section 22A of chapter 265; aggravated rape of a child under the age of 16 with force
171 under section 22B of chapter 265; a repeat offense under section 22C of chapter 265; rape and
172 abuse of a child under section 23 of chapter 265; aggravated rape and abuse of a child under
173 section 23A of chapter 265; a repeat offense under section 23B of chapter 265; assault with
174 intent to commit rape under section 24 of chapter 265; assault of a child with intent to commit
175 rape under section 24B of chapter 265; kidnapping of a child under the age of 16 under section
176 26 of chapter 265; enticing a child under the age of 16 for the purposes of committing a crime
177 under section 26C of chapter 265; trafficking of persons for sexual servitude under section 50 of
178 chapter 265; subsequent violations of trafficking under section 52 of chapter 265; enticing away
179 a person for prostitution or sexual intercourse under section 2 of chapter 272; drugging persons
180 for sexual intercourse under section 3 of chapter 272; inducing a minor into prostitution under
181 section 4A of chapter 272; living off or sharing earnings of a minor prostitute under section 4B
182 of chapter 272; inducing person under the age of 18 to have sexual intercourse under section 4 of
183 chapter 272; second and subsequent adjudication or conviction for open and gross lewdness and
184 lascivious behavior under section 16 of chapter 272, but excluding a first or single adjudication
185 as a delinquent juvenile before August 1, 1992; incestuous marriage or intercourse under section
186 17 of chapter 272; disseminating to a minor matter harmful to a minor under section 28 of
187 chapter 272; posing or exhibiting a child in a state of nudity under section 29A of chapter 272;
188 dissemination of visual material of a child in a state of nudity or sexual conduct under section
189 29B of chapter 272; possession of child pornography under section 29C of chapter 272;
190 unnatural and lascivious acts with a child under the age of 16 under section 35A of chapter 272;
191 electronically surveilling partially nude or nude person under section 105 of chapter 272;

192 engaging in sexual conduct for a fee with child under the age of 14 under section 53A of chapter
193 272; aggravated rape under section 39 of chapter 277; any attempt to commit a violation of any
194 of the aforementioned sections under section 6 of chapter 274; any conspiracy to commit a
195 violation of any of the aforementioned sections under section 7 of chapter 274; accessory to any
196 of the aforementioned sections; or a like violation of the laws of another jurisdiction, the United
197 States or a military, territorial or Indian tribal authority, the nations of Canada, United Kingdom,
198 Australia, New Zealand, or any other country the United States State Department, in its Country
199 Reports on Human Rights Practices, has concluded had an independent judiciary that generally
200 enforced the right to a fair trial during the year in which the convictions occurred.

201 "Sex offense involving a child", an indecent assault and battery on a child under the age
202 of 14 under section 13B of chapter 265; aggravated indecent assault and battery on a child under
203 the age of 14 under section 13B1/2 of chapter 265; a repeat offense under section 13B3/4 of
204 chapter 265; rape of a child under the age of 16 with force under section 22A of chapter 265;
205 aggravated rape of a child under the age of 16 with force under section 22B of chapter 265; a
206 repeat offense under section 22C of chapter 265; rape and abuse of a child under section 23 of
207 chapter 265; aggravated rape and abuse of a child under section 23A of chapter 265; a repeat
208 offense under section 23B of chapter 265; assault of a child with intent to commit rape under
209 section 24B of chapter 265; enticing a child under the age of 16 for the purposes of committing a
210 crime under section 26C of chapter 265; inducing person under the age of 18 to have sexual
211 intercourse under section 4 of chapter 272; inducing a minor into prostitution under section 4A
212 of chapter 272; living off or sharing earnings of a minor prostitute under section 4B of chapter
213 272; disseminating to a minor matter harmful to a minor under section 28 of chapter 272; posing
214 or exhibiting a child in a state of nudity under section 29A of chapter 272; dissemination of
215 visual material of a child in a state of nudity or sexual conduct under section 29B of chapter 272;
216 possession of child pornography under section 29C of chapter 272; unnatural and lascivious acts
217 with a child under the age of 16 under section 35A of chapter 272; engaging in sexual conduct
218 with child under the age of 14 for a fee under section 53A of chapter 272; aggravated rape under
219 section 39 of chapter 277; any enumerated sex offense where the victim is a minor; any attempt
220 to commit a violation of any of the aforementioned sections under section 6 of chapter 274; any
221 conspiracy to commit a violation of any of the aforementioned sections under section 7 of
222 chapter 274; accessory to any of the aforementioned sections;; or a like violation of the laws of
223 another state, the United States or a military, territorial or Indian tribal authority.

224 "Sexually violent offense", indecent assault and battery on a child under 14 under section
225 13B of chapter 265; aggravated indecent assault and battery on a child under the age of 14 under
226 section 13B1/2 of chapter 265; a repeat offense under section 13B3/4 of chapter 265; indecent
227 assault and battery on a person with an intellectual disability under section 13F of chapter 265;
228 rape under section 22 of chapter 265; rape and abuse of a child under section 23 of chapter 265;
229 rape of a child under 16 with force under section 22A of chapter 265; aggravated rape of a child
230 under 16 with force under section 22B of chapter 265; a repeat offense under section 22C of

231 chapter 265; aggravated rape and abuse of a child under section 23A of chapter 265; a repeat
232 offense under section 23B of chapter 265; assault with intent to commit rape under section 24 of
233 chapter 265; assault of a child with intent to commit rape under section 24B of chapter 265;
234 kidnapping of a child under the age of 16 under section 26 of chapter 265; drugging persons for
235 sexual intercourse under section 3 of chapter 272; unnatural and lascivious acts with a child
236 under 16 under section 35A of chapter 272; aggravated rape under section 39 of chapter 277; any
237 attempt to commit a violation of any of the aforementioned sections under section 6 of chapter
238 274; any conspiracy to commit a violation of any of the aforementioned sections under section 7
239 of chapter 274; accessory to any of the aforementioned sections; or a like violation of the law of
240 another state, the United States or a military, territorial or Indian tribal authority, or any other
241 offense that the sex offender registry board determines to be a sexually violent offense.

242 "Sexually violent predator", a person who has been convicted of a sexually violent
243 offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason
244 of a sexually violent offense, or a person released from incarceration, parole, probation
245 supervision or commitment under chapter 123A or custody with the department of youth services
246 for a conviction or adjudication, and who suffers from a mental abnormality or personality
247 disorder that makes the person likely to engage in sexually violent offenses.

248 "Supervision", includes the exercise of oversight, control or management over a sex
249 offender living in, working, or attending school in the community, by the department of
250 correction, any county correctional facility, any federal correctional facility, the department of
251 youth services, the parole board, the office of the commissioner of probation, the department of
252 mental health or the department of developmental services.

253 "Student", any person who enrolls, on a full-time or part-time basis, in any public or
254 private educational institution including a secondary school, trade, vocational or professional
255 institution, or a post-secondary institution of higher learning.

256 "Updating registration information", as required by section 178E, the act of a sex
257 offender (a) appearing in person at the appropriate local police department to update or report a
258 change in the sex offender's names, aliases, primary or given names, nicknames, pseudonyms,
259 internet identifiers, and ethnic or tribal names by which the sex offender is commonly known,
260 home address, secondary addresses, employment status, employer's names and addresses, school
261 status, school name and address, and the police department updating the sex offender's
262 photograph and (b) submitting in writing to the police department or the sex offender registry
263 board any updates or changes to the sex offender's remaining registration information, as defined
264 in this section.

265 "Vehicle information", data that identifies all the vehicles the sex offender owns or
266 routinely operates for personal use or in the course of his employment including: the license
267 plate numbers or other numbers or identifiers affixed to the vehicles; the type, year, make, and

268 model of the vehicles; and the locations where the vehicles are garaged, docked, or otherwise
269 kept. “Vehicle” includes any device propelled or drawn by mechanical power upon or by which
270 any person or property is or may be transported or drawn upon a highway, waterway, or airway.

271 “Verifying registration information”, as required by section 178E, the act of a sex
272 offender appearing in person at the specified period of time at the appropriate police department
273 in the city or town where the sex offender resides, or if the sex offender does not reside in the
274 commonwealth, in the city or town where the sex offender has a secondary address, works or is
275 enrolled in school to confirm that his registration information remains true and accurate and the
276 police department updates the sex offender’s photograph.

277 Section 178D. Sex offender registry

278 The sex offender registry board, known as the board, in cooperation with the department
279 of criminal justice information services, shall establish and maintain a central computerized
280 registry of all sex offenders required to register under sections 178C to 178Q, inclusive, known
281 as the sex offender registry. The sex offender registry shall be updated based on information
282 made available to the board, including information acquired under the registration provisions of
283 sections 178C to 178Q, inclusive. The file on each sex offender required to register under
284 sections 178C to 178Q, inclusive, shall include the sex offender’s registration information and:

285 (a) whether the sex offender is in compliance with the registration obligations of sections
286 178C to 178Q, inclusive;

287 (b) any other information which may be useful to the board in assessing the risk of the
288 sex offender to reoffend;

289 (c) any other information which may be useful to the board in identifying the sex
290 offender; and

291 (d) the sex offender’s level of risk of reoffense and degree of dangerousness, as
292 established under sections 178K and 178L.

293 The public shall not have access to any registration information except in accordance
294 with sections 178I and 178J.

295 The board shall develop standardized notification, registration and verification forms,
296 which shall request registration information as required under sections 178C to 178Q. The board
297 shall make blank copies of the forms available to all agencies having custody of sex offenders,
298 supervising sex offenders, all city and town police departments, and state police.

299 The information contained in the registry shall be obtained from offenders when they
300 register as sex offenders and when they verify and update their registration information; from
301 agencies having custody or supervision of sex offenders; and city and town police departments

302 responsible for registering sex offenders and verifying and updating sex offenders' registration
303 information. The sex offender registry board shall maintain all registration information in a
304 digitized form that is compatible with the registry management and web site software developed
305 by the United States Department of Justice under 42 U.S.C. § 16923. The board may maintain
306 registration information in a digitized form by having links or identification numbers that
307 provide access to registration information contained in other computerized databases maintained
308 by the state police for palm print, fingerprint, and DNA information; the registry of motor
309 vehicles for license and vehicle information; the department of criminal justice information
310 services for criminal history information; the division of professional licensure for professional
311 license information; and any other agency which is responsible for compiling and maintaining
312 information required of sex offenders under sections 178C to 178Q.

313 The board shall promulgate regulations further defining, in a manner consistent with
314 maintaining or establishing eligibility for federal funding under the Sex Offender Registration
315 and Notification Act, Title 1 of the Adam Walsh Child Protection and Safety Act of 2006, and
316 the implementation of the sections 178C to 178Q.

317 Section 178E. Registration, verification, and updating registration information

318 (a) In General. A sex offender shall register and keep the registration information current
319 with respect to each city and town where the sex offender resides, has a secondary address,
320 works, and is a student.

321 (b) Initial registration. Within 3 business days of sentencing of any sex offender required
322 to register under sections 178C to 178Q, inclusive, the agency receiving custody or supervision
323 of the sex offender shall transmit to the board the sex offender's registration information, the
324 mittimus, and the projected maximum release date and the earliest possible release date for the
325 sex offender. All custodial and supervisory agencies shall inform the board immediately of any
326 transfers of sex offenders so that the board knows at all times where the sex offender is located
327 prior to his release from custody or supervision.

328 (1) Sex offenders in custody. If a sex offender is to be released from the custody of any
329 county, state or federal correctional facility, department of youth services, department of mental
330 health or department of development services, the agency that has custody of the sex offender
331 shall, or in the case of federal correctional facility may, provide written notice to the sex offender
332 and the sex offender shall acknowledge in writing, his duty to register in the commonwealth and
333 in any other jurisdiction where he resides, has a secondary address, is employed or enrolled in
334 school; his duty to verify and update his registration information and the penalties for failing to
335 do so and for giving false registration information; and of his right to submit to the board
336 documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to
337 the public in accordance with section 178L. If the sex offender is a minor or has been deemed by
338 a court to be incompetent at the time of notification, the notification shall also be mailed to the

339 sex offender's legal guardian or agency having custody of the person in the absence of a legal
340 guardian and his most recent attorney of record. The agency shall transmit the sex offender's
341 written acknowledgment to the board within 10 days of receipt of the acknowledgment. No later
342 than 30 days prior to the sex offender's release from custody, the agency that has custody of the
343 offender shall obtain the sex offender's registration information and shall verify that it is true and
344 accurate. Upon verifying the sex offender's registration information and at least 10 days before
345 the sex offender is released from custody, the agency that has custody of the offender shall
346 register the sex offender by entering the registration information into the sex offender registry
347 and shall electronically transmit the sex offender's registration information to the board. No sex
348 offender shall be released from custody unless registration has been completed. Within 3 days
349 after the sex offender's release from custody, the sex offender shall appear in person at the police
350 department of the city or town in which the sex offender resides, or if the offender does not
351 reside in the commonwealth, in the city or town in which he has a secondary address, works or is
352 enrolled in school in the commonwealth, to verify that the registration information remains true
353 and accurate, or to change the registration information provided prior to release from custody.

354 (2) Sex offender not in custody; subject to community supervision. If the court does not
355 sentence the sex offender to confinement to a county, state or federal correctional facility, or
356 does not order custody by the department of youth services, department of mental health or
357 department of developmental services, the agency that has supervision of the sex offender shall,
358 upon assuming supervision of the sex offender, immediately provide written notice to the sex
359 offender, and the sex offender shall acknowledge in writing, his duty to register in the
360 commonwealth and in any other jurisdiction where he resides, has a secondary address, is
361 employed or enrolled in school; his duty to verify and update his registration information and the
362 penalties for failure to do so and for giving false registration information; and of his right to
363 submit to the board documentary evidence relative to his risk of reoffense and the degree of
364 dangerousness posed to the public in accordance with section 178L. If the sex offender is a
365 minor or has been deemed by a court to be incompetent at the time of notification, the
366 notification shall also be mailed to such sex offender's legal guardian or agency having custody
367 of the person in the absence of a legal guardian and his most recent attorney of record. The
368 agency shall transmit the sex offender's written acknowledgment to the board within 2 days of
369 receipt of the acknowledgment. Within 3 days of sentencing, the sex offender shall appear in
370 person and register as a sex offender at the police department in the city or town where the sex
371 offender resides, or if the sex offender does not reside in the commonwealth, in the city or town
372 where the sex offender has a secondary address, works, or is enrolled in school. The police
373 department shall enter the registration information into the sex offender registry and
374 electronically transmit the sex offender's registration information to the board.

375 (3) Sex offender not in custody or being supervised. Any court which enters a conviction
376 for a sex offense, but does not impose a sentence of confinement or supervision, or order of
377 custody, or otherwise orders the immediate discharge of a sex offender from the custody of any

378 of the county, state or federal correctional facilities, department of youth services, department of
379 mental health or the department of developmental services shall, or in the case of federal court
380 may, provide written notice to the sex offender, and the sex offender shall acknowledge in
381 writing, his duty to register in the commonwealth and in any other jurisdiction where he resides,
382 has a secondary address, works or is enrolled in school; his duty to verify and update his
383 registration information and the penalties for failure to do so and for giving false registration
384 information; and of his right to submit to the board documentary evidence relative to his risk of
385 reoffense and the degree of dangerousness posed to the public in accordance with section 178L.
386 Within 2 business days of sentencing, the clerk of the court shall transmit the sex offender's
387 written acknowledgment to the board along with the sex offender's registration information.
388 Within 3 days of receiving notice or of release from confinement or custody from the court,
389 whichever is later, the offender shall appear in person to register as a sex offender at the police
390 department in the city or town where the sex offender resides, or if the sex offender does not
391 reside in the commonwealth, in the city or town where the sex offender has a secondary address,
392 works, or is enrolled in school. The police department shall enter the registration information
393 into the sex offender registry and electronically transmit the sex offender's registration
394 information to the board.

395 (4) Sex offender from another jurisdiction or country.

396 (i) A sex offender from another jurisdiction or country who enters the commonwealth to
397 reside, establish a secondary address, work, or enroll in school shall, within 3 days of entering
398 the commonwealth, appear in person to register as a sex offender at the police department in the
399 city or town where the sex offender resides, or if the sex offender does not reside in the
400 commonwealth, in the city or town where the sex offender has a secondary address, works or is
401 enrolled in school. The police department shall provide written notice to the sex offender, and
402 the sex offender shall acknowledge in writing, his duty to register in the commonwealth and in
403 any other jurisdiction where he resides, has a secondary address, works or is enrolled in school;
404 his duty to verify and update his registration information and the penalties for failure to do so
405 and for giving false registration information; and of his right to submit to the board documentary
406 evidence relative to his risk of reoffense and the degree of dangerousness posed to the public in
407 accordance with section 178L. The police department shall enter the registration information into
408 the sex offender registry and electronically transmit the sex offender's registration information to
409 the board.

410 (ii) If the board is notified by another jurisdiction that a sex offender is expected to
411 commence residence, establish a secondary address, employment, or school attendance in the
412 commonwealth, but the sex offender fails to appear to register as required in subsection (i), the
413 board shall notify that jurisdiction that the sex offender failed to appear in the commonwealth.

414 (5) Retroactive Application.

415 (i) Any sex offender who was required to register under sections 178C to 178Q in effect
416 prior to July 1, 2013 and was relieved of that obligation to register by the court or the board or
417 had his obligation to register terminated under section 178G prior to July 1, 2013, is not required
418 to register except that if the sex offender is convicted of a felony or a sex offense, the sex
419 offender will be required to register under this section.

420 (ii) Any sex offender who was required to register under sections 178C to 178Q in effect
421 before July 1, 2013 because he was adjudicated a youthful offender or delinquent juvenile for a
422 sex offense and was relieved of his obligation to register by the court or the board under section
423 178E or whose obligation to register was terminated under section 178G before July 1, 2013 is
424 not required to register, except that if the sex offender is convicted of a felony or a sex offense,
425 the sex offender will be required to register under this section.

426 (c) Verification of Registration Information.

427 (1) Act of verifying registration information. Any sex offender required to register as a
428 sex offender under this section shall verify his registration information in person with the police
429 department in the city or town where the sex offender resides, or if the sex offender does not
430 reside in the commonwealth, in the city or town where the sex offender has a secondary address,
431 works or is enrolled in school. The sex offender shall review his registration information,
432 confirm that it is true and accurate and provide any changes and updates to his registration
433 information since his initial registration or since he last verified his registration information. The
434 police department shall enter the verified registration information into the sex offender registry
435 and electronically transmit the sex offender's registration information to the board. The police
436 department shall provide written notice to the sex offender, and the sex offender shall
437 acknowledge in writing, his duty to register in the commonwealth and in any jurisdiction where
438 he resides, works or is enrolled in school; to verify registration information; to update
439 registration information within the commonwealth and in any other jurisdiction; the penalties for
440 failure to do so and for giving false registration information; and the next date the sex offender is
441 required to appear in person to verify his registration information.

442 (2) Frequency of verifying registration information. Sex offenders finally classified as
443 level 1 under sections 178K and 178L shall verify their registration information in person once
444 each year in the month of their birth, with the exception of finally classified level 1 sex offenders
445 who are under the age of 18 at the time of registration. These offenders shall verify their
446 registration information by mail once each year in the month of their birth until the age of 18.
447 Sex offenders finally classified as level 2 under sections 178K and 178L shall verify their
448 registration information in person twice each year, in 6 month intervals commencing on the
449 month of their birth. Sex offenders finally classified as level 3 under sections 178K and 178L
450 and sexually violent predators shall verify their registration information in person 4 times each
451 year, in 3 month intervals including their month of birth. All homeless sex offenders, regardless
452 of their final classification levels, must verify their registration information in person every 30

453 days. Sex offenders who have not been finally classified by the board under 178K and 178L shall
454 verify their registration information in writing every 3months from the date that they initially
455 registered until they become finally classified, at which time the sex offender shall be required to
456 register, verify and update his registration information in person under the requirements of this
457 section. The board shall develop regulations to determine the dates on which sex offenders must
458 register and additional procedures for registration.

459 (3) Notice. In each year during the month of the sex offender's birth, the board shall mail
460 a nonforwardable verification form to the last registered address of the sex offender notifying the
461 sex offender of the date or dates during the next 12 months on which he must verify his
462 registration information. If the sex offender is a minor or has been deemed by a court to be
463 incompetent at the time of notification, the notification shall also be mailed to the sex offender's
464 legal guardian or agency having custody of the person in the absence of a legal guardian and his
465 most recent attorney of record.

466 (d) Updating Registration Information. In addition to verifying registration information
467 under section (c), the sex offender shall be obligated to report any changes in his registration
468 information.

469 (1) Change of address within the commonwealth. No later than 3 days after a change of
470 address, the registered sex offender shall appear in person at the police department in the city or
471 town where the sex offender resides or if the sex offender does not reside in the commonwealth,
472 in the city or town in which the sex offender has a secondary address, works, or is enrolled in
473 school to update his address registration information. For purposes of this section, a "change of
474 address" includes any change to the sex offender's residence, address, secondary addresses or
475 temporary lodging, or if homeless, any change to the sex offender's homeless shelter or changes
476 in the city or town in which he habitually lives as a homeless person. The police department shall
477 enter the updated registration information into the sex offender registry and electronically
478 transmit the sex offender's registration information to the board. If the sex offender resides in the
479 commonwealth but works or is enrolled in school in another jurisdiction, the board shall
480 electronically transmit the sex offender's updated registration information to each jurisdiction
481 where the sex offender works or is enrolled in school.

482 (2) Change of employment information. No later than 3 days after any change to a
483 registered sex offender's employment information, the sex offender shall appear in person at the
484 police department in the city or town where the sex offender resides or if the sex offender does
485 not reside in the commonwealth, in the city or town in which the sex offender has a secondary
486 address, works, or is enrolled in school to update his employment registration information. For
487 purposes of this section, a "change of employment information" includes change in employers,
488 obtaining additional employment, becoming unemployed, becoming employed and changes to
489 the name or address of the sex offender's employers. If the sex offender's work is migratory,
490 itinerant or transient and there are changes to the locations where the sex offender performs his

491 work, including locations in other jurisdictions or countries, the sex offender shall, no later than
492 3 business days after the change occurs, appear in person at the police department in the city or
493 town where the sex offender resides or if the sex offender does not reside in the commonwealth,
494 in the city or town in which the sex offender has a secondary address, works, or is enrolled in
495 school to update the sex offender's registration information. The police department shall enter
496 the updated registration information into the sex offender registry and electronically transmit the
497 sex offender's registration information to the board. If the sex offender will begin employment in
498 another jurisdiction, the board shall electronically transmit the sex offender's registration
499 information to that jurisdiction's office, agency, or entity responsible for administering the
500 jurisdiction's sex offender registry.

501 (3) Change in school information. No later than 3 days after any change to a sex
502 offender's school information, the registered sex offender shall appear in person at the police
503 department in the city or town where the sex offender resides or if the sex offender does not
504 reside in the commonwealth, in the city or town in which the sex offender has a secondary
505 address, works, or is enrolled in school to update his school registration information. For
506 purposes of this section, a "change in school information" includes enrolling in school,
507 transferring enrollment to a different school or different location of the same school, termination
508 of enrollment or if any change to the name or address of the school at which the sex offender is
509 enrolled. The police department shall enter the updated registration information into the sex
510 offender registry and electronically transmit the sex offender's registration information to the
511 board. If the sex offender will be enrolling in school in another jurisdiction, the board shall
512 electronically transmit the sex offender's registration information to that jurisdiction's office,
513 agency, or entity responsible for administering the jurisdiction's sex offender registry.

514 (4) Change of name. If a registered sex offender changes the name, aliases, primary or
515 given names, nicknames, pseudonyms, internet or social media identifiers, ethnic or tribal name
516 by which the sex offender is commonly known, the sex offender shall, no later than 3 days after
517 the change occurs, appear in person at the police department in the city or town where the sex
518 offender resides or if the sex offender does not reside in the commonwealth, in the city or town
519 in which the sex offender has a secondary address, works, or is enrolled in school to update the
520 registration information relating to the sex offender's name. The police department shall enter
521 the updated registration information into the sex offender registry and electronically transmit the
522 sex offender's registration information to the board. The board shall electronically transmit the
523 sex offender's updated registration information to all other jurisdictions where the sex offender is
524 required to register.

525 (5) Change in address outside of the commonwealth. If a registered sex offender with a
526 home address or a secondary address in the commonwealth intends to move his home address or
527 establish a secondary address outside of the commonwealth, the sex offender shall, no less than
528 10 days before the change occurs, appear in person at the police department in the city or town
529 where the sex offender resides in the commonwealth or if the sex offender does not reside in the

530 commonwealth, in the city or town in the commonwealth where the sex offender has a secondary
531 address to update the address registration information. If the sex offender is homeless and
532 intends to obtain housing outside of the commonwealth's jurisdiction, the sex offender shall, no
533 less than 10 days before the change occurs, appear in person at the police department in the city
534 or town where the sex offender resides to update the sex offender's registration information. The
535 police department shall enter the updated registration information into the sex offender registry
536 and electronically transmit the sex offender's registration information to the board. The board
537 shall electronically transmit the sex offender's registration information to the jurisdiction's
538 office, agency, or entity responsible for administering the jurisdiction's sex offender registry that
539 the sex offender intends to begin residing or establish a secondary address.

540 (6) Travel outside of the United States. If a registered sex offender intends to move or
541 travel outside of the United States, the sex offender shall, no less than 21 days before the travel
542 occurs, appear in person at the police department in the city or town where the sex offender
543 resides in the commonwealth or if the sex offender does not reside in the commonwealth, in the
544 city or town in the commonwealth where the sex offender has a secondary address to report his
545 intention to leave the United States. The police department shall enter the updated registration
546 information into the sex offender registry and electronically transmit the sex offender's
547 registration information to the board. Within 3 days, the board shall electronically transmit the
548 sex offender's registration information to the Federal Bureau of Investigation and United States
549 Marshals Service and to all other jurisdictions where the sex offender is required to register.

550 (7) Changes to Other Registration Information. Whenever there is a change to a
551 registered sex offender's internet identifiers, telephone numbers, temporary lodging information
552 in the commonwealth or vehicle information, the sex offender shall immediately notify the board
553 in writing of the changes to the sex offender's registration information. The board shall enter the
554 updated registration information into the sex offender registry. Within 3 days, the board shall
555 electronically transmit the sex offender's updated registration information to all other
556 jurisdictions where the sex offender is required to register.

557 (8) Notice to the sex offender. Upon updating a sex offender's registration information,
558 the police department shall provide written notice to the sex offender, and the sex offender shall
559 acknowledge in writing, his duty to register in the commonwealth and in any jurisdiction where
560 he resides, works or is enrolled in school, to verify registration information, to update his
561 registration information within the commonwealth or in any other jurisdiction and the penalties
562 for failure to do so and for giving false registration information.

563 (e) Notification by the board to law enforcement and federal entities. Within 3 days of
564 any change to a sex offender's registration information, the board shall electronically transmit
565 the sex offender's updated registration information to the Federal Bureau of Investigation and
566 United States Marshals Service and to all law enforcement agencies and entities with access to
567 the sex offender registry as set forth in section 178F.

568 (f) Relief from registration for certain minor sex offenders. In the case of a minor sex
569 offender who (a) was under the age of 14 at the time the sex offense was committed or (b) was
570 14 years of age or older at the time of his sex offense and was not convicted of sexually violent
571 offense as defined in section 178C, or 2 or more sex offenses involving a child as defined in
572 section 178C, the court shall, within 14 days of sentencing, determine whether the circumstances
573 of the offense in conjunction with the sex offender's criminal history indicate that the sex
574 offender does not pose a risk of reoffense or a danger to the public. If the court so determines,
575 the court shall relieve the sex offender of the obligation to register under sections 178C to 178Q,
576 inclusive, and the clerk of the court shall immediately notify the sex offender registry board in
577 writing that the court has relieved the sex offender of the registration obligation.

578 (g) Accepting pleas. Any court which accepts a plea for a sex offense shall inform the sex
579 offender prior to acceptance of the plea and require the sex offender to acknowledge in writing
580 that the plea may subject the sex offender to the provisions of sections 178C to 178Q, inclusive.
581 Failure to inform the sex offender shall not be grounds to vacate or invalidate the plea.

582 (h) Independent verification of addresses. Upon registering, verifying registration
583 information or updating registration information, a sex offender shall provide independent
584 written verification of the addresses at which he resides or has secondary addresses.

585 (i) Board's access to agencies' records. When the board has reason to believe that a sex
586 offender has failed to register in accordance with this chapter, or when the board is required to
587 verify the address or employers of a sex offender and is unable to verify the information through
588 other means, the board shall examine, through electronic transfer of information, the tax returns,
589 wage reports, child support enforcement records, papers or other documents on file with the
590 commissioner of revenue, registry of motor vehicles, department of transitional assistance,
591 department of children and families or records of any other entity within the executive branch;
592 provided, however, that nothing herein shall be construed to authorize the disclosure, directly or
593 indirectly, of any information other than the address of the sex offender, except as otherwise
594 provided by sections 178C to 178Q, inclusive.

595 (j) Registry of motor vehicles notifying sex offenders. The registrar of motor vehicles
596 shall inform a person applying for, or renewing a license to operate a motor vehicle that he has a
597 duty to register as a sex offender if the person is a sex offender as defined by section 178C.

598 (k) Homeless shelters. A homeless shelter receiving state funding shall cooperate in
599 providing information to the board, supervising agency or police department when the homeless
600 shelter is in the possession of the information being requested; provided, however, the request for
601 information shall be limited to that which is necessary to verify an offender's registration
602 information or a sex offender's whereabouts. A homeless shelter that violates the provisions of
603 this paragraph shall be punished by a fine of $100 a day for each day that the shelter continues to
604 violate the provisions of this paragraph.

605 (l) Board's access to sealed convictions. If a sex offender's criminal record indicates that
606 he has any sealed or expunged convictions, the sex offender registry board may inquire of the
607 office of the commissioner of probation whether the sealed or expunged conviction was for a sex
608 offense and, if it was a sex offense, the commissioner shall so inform the board and provide the
609 board with the specific sex offense of which the offender was convicted, the date of the
610 conviction, the court that convicted the sex offender, and the docket number of the conviction.
611 The board shall then request a copy of the conviction from the court and the court shall provide
612 the board with a copy of the sealed or expunged conviction.

613 (j) The district attorney shall notify the board whenever its office receives allegations of
614 sexual abuse or sexual assault by a person that is required to register as a sex offender or has
615 previously been required to register as a sex offender.

616 Section 178F. Authorized access to the sex offender registry

617 (a) Ability to enter, verify and update registration information. The sex offender registry
618 board shall grant access to any state and local police department and any other agency in the
619 commonwealth that is responsible for registering sex offenders, verifying registration
620 information and updating registration information, under section 178E, to the computerized sex
621 offender registry to examine and search registration information and enter, verify, and update sex
622 offender registration information to the extent necessary to perform their functions under section
623 178E. The agencies shall only disseminate registration information to the public to the extent
624 permitted by sections 178I and 178J.

625 (b) Ability to examine the sex offender registry. The sex offender registry board shall
626 grant the following entities access to electronically examine and search registration information
627 in the computerized sex offender registry: district attorneys' offices in the commonwealth, the
628 United States Marshal Service, the Federal Bureau of Investigations, and any other jurisdiction's
629 (i) office, agency, or entity responsible for administering the jurisdiction's sex offender registry;
630 (ii) law enforcement agencies, such as state and local police departments, sheriffs' offices, and
631 prosecutors' offices; and (iii) parole, probation, or other offices responsible for supervising sex
632 offenders. The sex offender registry board shall notify these agencies that use of the registration
633 information is limited to the extent necessary for the performance of their duties, and that the
634 public may only access the registration information provided to the extent permitted under
635 sections 178I and 178J.

636 (c) National Child Protection Act agencies. The sex offender registry board shall grant
637 access to any agency responsible for conducting employment-related background checks, under
638 section 3 of the National Child Protection Act of 1993, 42 U.S.C. section 5119a, to electronically
639 examine registration information contained in the sex offender registry. The board shall notify
640 these agencies that they may only use registration information to the extent necessary for the
641 actual performance of their duties, and that the public may only access registration information

642 to the extent permitted under sections 178I and 178J. The sex offender registry board shall
643 promulgate regulations regarding the process through which a National Child Protection Act
644 agency may apply to obtain access to the sex offender registry, and the process and criteria the
645 sex offender registry board shall follow in reviewing and approving such applications.

646 (d) National Sex Offender Registry. The sex offender registry board shall authorize the
647 Federal Bureau of Investigations to access the registration information contained in the sex
648 offender registry in order for the bureau to include all the registration information in a national
649 sex offender registry and make the registration information available to criminal justice agencies
650 on a nationwide basis.

651 (e) Dru Sjodin National Sex Offender Public Website. The sex offender registry board
652 shall authorize the United States Department of Justice access to the public sex offender internet
653 database, as mandated under section 178I, in order for the justice department to include the sex
654 offender internet database in the Dru Sjodin National Sex Offender Public Website established
655 under 42 U.S.C. section 16920, which the public may access and search.

656 (f) Absconded sex offenders. If the board receives notification that sex offenders cannot
657 be located at the addresses identified in their registration information or have failed to register or
658 verify their registration information at the prescribed periods of time, as required under section
659 178E, the board shall indicate in the sex offender registry that the offender has absconded and
660 immediately make this and the offender's last known registration information electronically
661 available for examination by any agency and federal entity permitted to review registration
662 information under this section. The board shall also notify the Federal Bureau of Investigations
663 and the United States Marshals Service and update the National Sex Offender Registry to reflect
664 the sex offender's status as an absconder and enter the sex offender into the National Crime
665 Information Center Wanted Person File.

666 (g) Limitation on public access to registration information. Registration information
667 received by the board shall not be disseminated to the public except in accordance with sections
668 178F, 178I and 178J.

669 Section 178G. Duration of registration obligation

670 (a) Duration of registration obligation. The sex offender's required registration period
671 does not include the time the sex offender is in custody or civilly committed and begins to run on
672 the date the sex offender is released from incarceration for the registration offense or on the date
673 of sentencing for a sex offender who receives a non-incarceration sentence for the sex offense.

674 (1) A sex offender who receives a final level 1 classification shall register for 15 years.

675 (2) A sex offender who receives a final level 2 or level 3 classification shall register for
676 life.

677 (3) Sex offenders who were adjudicated delinquent and were under 14 years old when
678 they committed the sex offense may be eligible to have their registration obligation reduced in
679 time or terminated at the discretion of the board. The board shall promulgate regulations
680 governing the process and criteria for reduction and termination from registration obligation for
681 these sex offenders.

682 Any person who is required to register as a sex offender or who has ever been required to
683 register as a sex offender shall not be entitled to have convictions for sex offenses sealed or
684 expunged as otherwise permitted by statute or other rule of law.

685 Section 178H. Failure to register, failure to verify or update registration information;
686 providing false information; penalties

687 (a) Sex offenders required to register under this chapter who knowingly: (i) fail to
688 register; (ii) fail to verify registration information as required by section 178E; (iii) fail to update
689 their registration information as required by section 178E; or (iv) provide false registration
690 information shall be punished in accordance with this section.

691 (1) A first conviction under this subsection shall be punished by imprisonment for not
692 less than 1 year and not more than 2½ years in a house of correction, not more than 10 years in a
693 state prison or by a fine of not more than $1,000 or by both such fine and imprisonment.

694 (i) A person convicted under this subsection and who has been convicted of any of the
695 offenses set forth in sections 13B, 13B½, 13B¾, 13F, 22A, 22B, 22C, 23, 23A, 24B and 26 of
696 chapter 265, any attempt to commit any of these offenses, or for conspiracy to commit any of
697 these offenses, or an accessory thereto, or a like violation of the laws of another jurisdiction, the
698 United States or a military, territorial or Indian tribal authority shall, in addition to the term of
699 imprisonment authorized by this section, be punished by a term of community parole supervision
700 for life, to be served under the jurisdiction of the parole board, as set forth in section 133D of
701 chapter 127. The sentence of community parole supervision for life shall commence upon the
702 expiration of the term of imprisonment imposed upon the sex offender by the court or upon the
703 sex offender's release from probation or parole supervision or upon discharge from commitment
704 to the treatment center under section 9 of chapter 123A, whichever first occurs.

705 (ii) Any person convicted under this subsection who is a finally classified level 2 or level
706 3 sex offender shall, in addition to the term of imprisonment authorized by this subsection, be
707 subject to community parole supervision for life, to be served under the jurisdiction of the parole
708 board, as set forth in section 133D of chapter 127. The sentence of community parole
709 supervision for life shall commence immediately upon the expiration of the term of
710 imprisonment imposed upon the person by the court or upon the person's release from any post-
711 release supervision or upon discharge from commitment to the treatment center under section 9
712 of chapter 123, whichever first occurs.

713 (2) A second and subsequent conviction under this subsection shall be punished by
714 imprisonment in the state prison for not less than 10 years.

715 Any person convicted under this paragraph who is a level 2 or level 3 offender shall, in
716 addition to the term of imprisonment authorized by this paragraph, be punished by a term of
717 community parole supervision for life, to be served under the jurisdiction of the parole board, as
718 set forth in section 133D of chapter 127. The sentence of community parole supervision for life
719 shall commence immediately upon the expiration of the term of imprisonment imposed upon the
720 person by the court or upon the person's release from probation or parole supervision or upon
721 discharge from commitment to the treatment center under section 9 of chapter 123A, whichever
722 first occurs.

723 (b) Violations of this section may be prosecuted and punished in any county where the
724 sex offender knowingly: (i) fails to register; (ii) fails to verify registration information as
725 required by section 178E; (iii) fails to update registration information as required by section
726 178E; (iv) provides false information; or (v) in any county where the sex offender is located,
727 found or apprehended.

728 (c) Copies of records created by the board that are certified and attested to by the
729 chairperson of the board or the chairperson's designee shall be admissible as self-authenticating
730 evidence in any court of the commonwealth to prove facts contained in the records.

731 (d) A prosecution commenced under this section shall not be placed on file or continued
732 without a finding.

733 Section 178I. Sex offender registry board's dissemination of registration information to
734 the public

735 (a) Public sex offender internet database. Within 3 business days of the date a sex
736 offender is required to register as a finally classified level 2 or level 3 sex offender, the board
737 shall make the sex offender's registration information, delineated below in subparagraphs (1) to
738 (10), and the final classification level available for inspection by the general public in the form of
739 a comprehensive database published on the internet, known as the "public sex offender internet
740 database":

741 (1) the names, aliases, primary or given names, nicknames, pseudonyms, ethnic or tribal
742 names by which the sex offender is commonly known;

743 (2) a physical description of the sex offender including age, sex, race, height, weight, eye
744 and hair color;

745 (3) current photograph of the sex offender;

746 (4) the sex offender's residential address, secondary addresses, temporary lodging
747 information, and if the sex offender is homeless, the homeless shelters, cities and towns, or the
748 districts, neighborhoods, sections and villages within those cities and towns in which the sex
749 offender habitually lives;

750 (5) the name and address of the persons and entities that employ the sex offender, and if
751 the sex offenders' employment is such that their work is migratory, itinerant, or transient, the
752 cities or towns where the sex offenders routinely work;

753 (6) the name and address of any schools the sex offender is enrolled in;

754 (7) the sex offender's vehicle information;

755 (8) the sex offenses for which the sex offender was convicted and the dates of
756 convictions;

757 (9) whether the offender is in compliance with the registration obligations of sections
758 178C to 178Q, inclusive; and

759 (10) the sex offender's level of risk of reoffense and degree of dangerousness, under
760 section 178K to 178L.

761 If the sex offender's address information described above in subparagraph (4) is not
762 available because the sex offender is in violation of the requirement to register, verify or update
763 registration information, as required by section 178E, or the sex offender cannot be located, this
764 status will be indicated on the internet database.

765 The public sex offender internet database shall be open to searches by the public at any
766 time without charge or subscription. The public shall be permitted to search the internet database
767 for sex offenders by inputting a person's name, city or town, county, zip code or a user specified
768 geographic radii within a specified address. The internet database shall include a function which
769 permits members of the public and organizations to request e-mail notification when sex
770 offenders establish or change their residence, secondary addresses, employment, or school
771 enrollment within specified cities, towns, zip code, counties or geographic radii areas within the
772 commonwealth as specified by the inquirer.

773 The board shall promulgate rules and regulations to implement, update and maintain the
774 public sex offender internet database to ensure the accuracy, integrity and security of information
775 contained therein, including the prompt and complete removal of registration information for
776 persons whose duty to register has been terminated under section 178G, and to protect against
777 the inaccurate, improper or inadvertent publication of registration information on the public
778 internet database. The internet database shall include instructions on how an individual may
779 report suspected erroneous registration information to the board.

780 The public sex offender internet database shall include a warning regarding the criminal
781 penalties for use of sex offender registry information to commit a crime or to engage in illegal
782 discrimination or harassment of an offender and the punishment for threatening to commit a
783 crime under section 4 of chapter 275. The public internet database shall include internet links to
784 sex offender safety and education resources.

785 The public sex offender internet database shall only include registration information as
786 delineated above in subparagraphs (1) to (10) of sex offenders finally classified as level 2 or
787 level 3 under section 178K and 178L, except for sex offenders whose only sex offense or
788 offenses were committed when the sex offender was under the age of 14. The board shall not
789 release any other registration information to the general public except as permitted in subsection
790 (b). The board shall keep confidential and shall not publish in the public sex offender internet
791 database any information relating to requests for registration data under sections 178I and 178J,
792 nor shall it release any information identifying a victim by name, address or relation to the
793 offender.

794 (b) Public Requests for Sex Offender Registry Information. Information about finally
795 classified sex offenders in all classification levels shall be made available pursuant to this
796 subsection.

797 (1) Requesting Information: Persons who request sex offender registry information from
798 the board shall:

799 (i) be 18 years of age or older;

800 (ii) require sex offender registry information for their own protection or for the protection
801 of a child under the age of 18 or another person for whom the inquirer has responsibility, care or
802 custody, and so state; and

803 (iii) complete and sign a record of inquiry form, developed by the board, which shall
804 include the following information: the name and address of the person making the inquiry, the
805 person's name, address or geographic location which is the subject of the inquiry, the reason for
806 the inquiry and the date of the inquiry.

807 The record of inquiry form shall include a warning regarding the criminal penalties for
808 the misuse of sex offender registration information to commit a crime or to engage in illegal
809 discrimination or harassment of an offender and the punishment for threatening to commit a
810 crime under the provisions of section 4 of chapter 275. Inquirers must acknowledge on the form
811 that the sex offender registration information disclosed to them is intended for their own
812 protection or for the protection of a child under the age of 18 or another individual for whom
813 they have responsibility, care or custody.

814 Records of inquiry shall be kept confidential, except that the records may be disseminated
815 to assist or defend in a criminal prosecution.

816 (2) Release of Information: If the search of the sex offender registry results in the
817 identification of any finally classified sex offender, the board shall release the sex offender's
818 registration information, as identified in subsections (a)(1) through (a)(10), inclusive, and the
819 sex offender's final classification level to the inquirer at no cost to the inquirer; provided,
820 however, that no information will be released to the public concerning sex offenders whose only
821 sex offense or offenses were committed when the sex offender was under the age of 14.

822 All responses from the board to a person making inquiries shall include a warning
823 regarding the criminal penalties for misuse of sex offender registry information to commit a
824 crime or to engage in illegal discrimination or harassment of an offender and the punishment for
825 threatening to commit a crime under section 4 of chapter 275. All responses from the board shall
826 include instructions on how an individual may report suspected erroneous registration
827 information to the board.

828 The board shall not release information identifying the victim by name, address or
829 relation to the offender.

830 (c) Victim Requests for Sex Offender Registration Information. Upon the request of the
831 victim and in conformance with section 178A of chapter 6, the board may, regardless of the
832 conviction or classification, inform the victim of the status of an offender's classification and
833 registration, and an offender's final registration and classification determination in addition to all
834 of the information that the public is entitled to under section 178C through 178Q.

835 Section 178J. Police department's dissemination of registration information to the public

836 (a) Persons who may request information. Information about finally classified sex
837 offenders in all classification levels shall be made available pursuant to this subsection. Persons
838 who request sex offender registry information from the police department shall:

839 (1) be 18 years of age or older;

840 (2) appear in person at a city or town police station and present proper identification;

841 (3) require sex offender registry information for their own protection or for the protection
842 of a child under the age of 18 or another person for whom the inquirer has responsibility, care or
843 custody, and so state; and

844 (4) complete and sign a record of inquiry form, developed by the board, which shall
845 include the following information: the name and address of the person making the inquiry, the
846 person's name, address or geographic location which is the subject of the inquiry, the reason for
847 the inquiry and the date of the inquiry.

848 The record of inquiry form shall include a warning regarding the criminal penalties for
849 the misuse of sex offender registration information to commit a crime or to engage in illegal
850 discrimination or harassment of an offender and the punishment for threatening to commit a
851 crime under the provisions of section 4 of chapter 275. Inquirers must acknowledge on the form
852 that the sex offender registration information disclosed to them is intended for their own
853 protection or for the protection of a child under the age of 18 or another individual for whom
854 they have responsibility, care or custody.

855 (b) Manner of requesting information. The person making the inquiry may:

856 (1) identify a specific person by name or by personal identifying information sufficient to
857 allow the police to identify the subject of the inquiry; or

858 (2) inquire whether any sex offenders reside, have a secondary address, work or are
859 enrolled in any school within the same city or town in which a specific address is located
860 including, but not limited to, the address of a residence, workplace, school, after school program,
861 day care center, playground, recreational area or other identified address and inquire in another
862 city or town whether any sex offenders live, work or are enrolled a school within that city or
863 town, upon a reasonable showing that the sex offender registry information is requested for the
864 requestor's own protection or for the protection of a child under the age of 18 or another person
865 for whom the inquirer has responsibility, care or custody; or

866 (3) inquire whether any sex offenders reside, have a secondary address, work or are
867 enrolled in a school on a specific street within the city or town in which the inquiry is made.

868 (c) Release of Information. If the search of the sex offender registry results in the
869 identification of any finally classified sex offender the police shall release the sex offender's
870 registration information, as identified in sections (a)(1) through sections (a)(10), inclusive, of
871 chapter 178Iand the sex offender's classification level to the inquirer at no cost to the inquirer;
872 provided, however, that no information will be released to the public concerning sex offenders
873 whose only sex offense or offenses were committed when the sex offender was under the age of
874 14.

875 The police shall not release information identifying the victim by name, address or
876 relation to the offender.

877 (d) Community notification plans. Local police departments shall implement community
878 notification plans that require the police department to notify organizations in the community
879 and individual members of the public who are likely to encounter finally classified level 2 or
880 level 3 sex offenders.

881 Within 3 business days of receipt of registration information that a sex offender resides,
882 has a secondary address, is employed, or attends a school within a police department's

883 jurisdiction, the police shall notify organizations in the community and individual members of
884 the public who are likely to encounter the sex offender. Neighboring police districts shall share
885 the sex offender registration information of all sex offenders and may inform the residents of
886 their municipality of a sex offender they are likely to encounter who resides in an adjacent city or
887 town. The police shall actively disseminate in a time and manner as the police department deems
888 reasonably necessary the registration information as identified in sections (a)(1) through sections
889 (a)(10), inclusive, of chapter 178I.

890 Community notification may include publication of the registration information on the
891 internet by the police department in a time and manner as the police deem reasonably necessary;
892 and provided further, that the police or the board shall not release information identifying the
893 victim by name, address or relation to the sex offender. All notices to the community shall
894 include a warning regarding the criminal penalties for misuse of sex offender registry
895 information to commit a crime or to engage in illegal discrimination or harassment of an
896 offender and the punishment for threatening to commit a crime under section 4 of chapter 275.

897 Section 178K. Sex offender registry board; guidelines to assess risk of reoffense and
898 degree of dangerousness posed to public; classification; evidentiary hearing

899 (a) Sex offender registry board. There shall be, within the department of criminal justice
900 information services, but not subject to its jurisdiction, a sex offender registry board, which shall
901 consist of at least 7 members who shall be appointed by the governor for terms of 6 years, with
902 the exception of the chairman, and who shall devote their full time during business hours to their
903 official duties. The board shall include 1 person with experience and knowledge in the field of
904 criminal justice who shall act as chairman; at least 2 licensed mental health professionals with
905 special expertise in the assessment and evaluation of sex offenders and who have knowledge of
906 the forensic mental health system; at least 1 licensed mental health professional with special
907 expertise in the assessment and evaluation of sex offenders, including juvenile sex offenders and
908 who has knowledge of the forensic mental health system; at least 2 persons who have at least 5
909 years of training and experience in probation, parole or corrections; and at least 1 person who has
910 expertise or experience with victims of sexual abuse. Members shall be compensated at a
911 reasonable rate subject to approval of the secretary of administration and finance.

912 The chairman shall be appointed by and serve at the pleasure of the governor and shall be
913 the executive and administrative head of the sex offender registry board, shall have the authority
914 and responsibility for directing assignments of members of the board and shall be the appointing
915 and removing authority for members of the board's staff. In the case of the absence or disability
916 of the chairman, the governor may designate 1 of the members to act as chairman during that
917 absence or disability. The chairman shall, subject to appropriation, establish staff positions and
918 employ such administrative, research, technical, legal, clerical and other personnel and
919 consultants as may be necessary to perform the duties of the board. These staff positions shall
920 not be subject to section 9A of chapter 30 or chapter 31.

921 The governor shall fill a vacancy for the unexpired term. As long as there are 4 sitting
922 members, a vacancy shall not impair the right of the remaining members to exercise the powers
923 of the board.

924 (b) Guidelines to assess risk of reoffense and degree of dangerousness posed to public.
925 The sex offender registry board shall promulgate guidelines for determining the final
926 classification level of risk of reoffense and the degree of dangerousness posed to the public, the
927 reclassification of an offender, or an offender's request for reduction in his obligation to register;
928 apply the guidelines to assess the risk level of particular offenders; develop guidelines for use by
929 city and town police departments in disseminating sex offender registry information; devise a
930 plan, in cooperation with state and local law enforcement authorities and other appropriate
931 agencies, to locate and verify the current addresses of sex offenders including, subject to
932 appropriation, entering into contracts or interagency agreements for such purposes; and conduct
933 hearings as provided in section 178L. Factors relevant to the risk of reoffense shall include, but
934 not be limited to, the following:

935 (1) criminal history factors indicative of a high risk of reoffense and degree of
936 dangerousness posed to the public, including:

937 (i) whether the sex offender was convicted of one of the following crimes: an indecent
938 assault and battery on a child under the age of 14 under section 13B of chapter 265; aggravated
939 indecent assault and battery on a child under the age of 14 under section 13B1/2 of chapter 265;
940 a repeat offense under section 13B3/4 of chapter 265; rape of a child under the age of 16 with
941 force under section 22A of chapter 265; aggravated rape of a child under the age of 16 with force
942 under section 22B of chapter 265; a repeat offense under section 22C of chapter 265; aggravated
943 rape and abuse of a child under section 23A of chapter 265; a repeat offense under section 23B
944 of chapter 265; assault of a child with intent to commit rape under section 24B of chapter 265;
945 enticing a child under the age of 16 for the purposes of committing a crime under section 26C of
946 chapter 265; trafficking of persons for sexual servitude under section 50 of chapter 265;
947 subsequent violations of trafficking under section 52 of chapter 265; inducing person under the
948 age of 18 to have sexual intercourse under section 4 of chapter 272; inducing a minor into
949 prostitution under section 4A of chapter 272; living off or sharing earnings of a minor prostitute
950 under section 4B of chapter 272; disseminating to a minor matter harmful to a minor under
951 section 28 of chapter 272 except in the case where the sex offender is a minor at the time of the
952 crime; posing or exhibiting a child in a state of nudity under section 29A of chapter 272;
953 dissemination of visual material of a child in a state of nudity or sexual conduct under section
954 29B of chapter 272; possession of child pornography under section 29C of chapter 272;
955 unnatural and lascivious acts with a child under the age of 16 under section 35A of chapter 272;
956 engaging in sexual conduct with child under the age of 14 for a fee under section 53A of chapter
957 272; aggravated rape under section 39 of chapter 277; any enumerated sex offense where the
958 victim is a minor; any attempt to commit a violation of any of the aforementioned sections under
959 section 6 of chapter 274; any conspiracy to commit a violation of any of the aforementioned

960 sections under section 7 of chapter 274; accessory to any of the aforementioned sections; or a
961 like violation of the laws of another state, the United States or a military, territorial or Indian
962 tribal authority, in which case the sex offender shall not receive a Level 1 classification;

963 (ii) whether the sex offender has been adjudicated to be a sexually dangerous person
964 under chapter 123A or is a person released from civil commitment under section 9 of chapter
965 123A, in which case the sex offender shall not receive a Level 1 classification; and

966 (iii) whether the offense was a sexually violent offense, or involved the use of a weapon,
967 violence or infliction of bodily injury, in which case the sex offender shall not receive a Level 1
968 classification;

969 (iv) whether the sex offender was already classified as a Level 2 at the time of the most
970 recent offense, in which caase the sex offender shall receive a Level 3 classification;

971 (v) whether the sex offender was an adult who committed a sex offense on a child;

972 (vi) whether the sex offender's conduct is characterized by repetitive and compulsive
973 behavior;

974 (vii) whether the sex offender has a mental abnormality;

975 (viii) the age of the sex offender at the time of the commission of the first sex offense;

976 (ix) whether the sex offender served the maximum term of incarceration.

977 (2) other criminal history factors to be considered in determining risk and degree of
978 dangerousness, including:

979 (i) the relationship between the sex offender and the victim; and

980 (ii) the number, date and nature of prior offenses;

981 (3) conditions of release that minimize risk of reoffense and degree of dangerousness
982 posed to the public, including whether the sex offender is under probation or parole supervision,
983 whether the sex offender is receiving counseling, therapy or treatment and whether the sex
984 offender is residing in a home situation that provides guidance and supervision, including sex
985 offender specific treatment in a community based residential program;

986 (4) physical conditions that minimize risk of reoffense including, but not limited to,
987 debilitating illness;

988 (5) whether the sex offender was a juvenile when he committed the offense, his response
989 to treatment and subsequent criminal history;

990 (6) whether psychological or psychiatric profiles indicate a risk of recidivism;

991 (7) the sex offender's history of alcohol or substance abuse;

992 (8) the sex offenders' participation in sex offender treatment and counseling while
993 incarcerated or while on probation or parole and their response to treatment or counseling;

994 (9) recent behavior, including behavior while incarcerated or while supervised on
995 probation or parole;

996 (10) recent threats against persons or expressions of intent to commit additional offenses;

997 (11) review of any victim impact statement;

998 (12) review of any materials submitted by sex offenders, their attorneys or others on
999 behalf of the offenders; and

1000 (13) age of the offender at the time of the classification hearing.

1001 (c) Classification levels. The guidelines shall provide for 3 levels of classification
1002 depending on the degree of risk of reoffense and the degree of dangerousness posed to the public
1003 by the sex offender or for relief from the obligation to register:

1004 (1) Where the board determines that the risk of reoffense is low and the degree of
1005 dangerousness posed to the public is low, it shall give a final level 1 classification to the sex
1006 offender. The board shall not give a final level 1 classification to a sex offender whose offense
1007 involved the use of a weapon, violence or infliction of bodily injury; to a sex offender has been
1008 adjudicated to be a sexually dangerous person under chapter 123A or is a person released from
1009 civil commitment under section 9 of chapter 123A; or to a sex offender who has committed one
1010 or more of the following offenses: an indecent assault and battery on a child under the age of 14
1011 under section 13B of chapter 265; aggravated indecent assault and battery on a child under the
1012 age of 14 under section 13B1/2 of chapter 265; a repeat offense under section 13B3/4 of chapter
1013 265; rape of a child under the age of 16 with force under section 22A of chapter 265; aggravated
1014 rape of a child under the age of 16 with force under section 22B of chapter 265; a repeat offense
1015 under section 22C of chapter 265; aggravated rape and abuse of a child under section 23A of
1016 chapter 265; a repeat offense under section 23B of chapter 265; assault of a child with intent to
1017 commit rape under section 24B of chapter 265; enticing a child under the age of 16 for the
1018 purposes of committing a crime under section 26C of chapter 265; inducing person under the age
1019 of 18 to have sexual intercourse under section 4 of chapter 272; inducing a minor into
1020 prostitution under section 4A of chapter 272; living off or sharing earnings of a minor prostitute
1021 under section 4B of chapter 272; disseminating to a minor matter harmful to a minor under
1022 section 28 of chapter 272 except in the case where the sex offender is a minor at the time of the
1023 crime; posing or exhibiting a child in a state of nudity under section 29A of chapter 272;
1024 dissemination of visual material of a child in a state of nudity or sexual conduct under section
1025 29B of chapter 272; possession of child pornography under section 29C of chapter 272;

1026 unnatural and lascivious acts with a child under the age of 16 under section 35A of chapter 272;
1027 engaging in sexual conduct with child under the age of 14 for a fee under section 53A of chapter
1028 272; aggravated rape under section 39 of chapter 277; any enumerated sex offense where the
1029 victim is a minor; any attempt to commit a violation of any of the aforementioned sections under
1030 section 6 of chapter 274; any conspiracy to commit a violation of any of the aforementioned
1031 sections under section 7 of chapter 274; accessory to any of the aforementioned sections;; or a
1032 like violation of the laws of another state, the United States or a military, territorial or Indian
1033 tribal authority.

1034 (2) Where the board determines that the risk of reoffense is moderate and the degree of
1035 dangerousness posed to the public is moderate, it shall give a final level 2 classification to the
1036 sex offender.

1037 (3) Where the board determines that the risk of reoffense is high and the degree of
1038 dangerousness posed to the public is high, it shall give a final level 3 classification to the sex
1039 offender.

1040 (d) Notification by the board. Within 2 days of the board's determination of the sex
1041 offender's final classification level, the board shall electronically transmit the sex offender's
1042 final classification level and registration information to the police departments in the
1043 municipalities where the sex offender lives, works and is enrolled in a school or, if in custody,
1044 intends to live, work and enroll in school upon release; where the offense was committed; and to
1045 the Federal Bureau of Investigation and United States Marshals Service.

1046 (e) Level 3 sex offenders prohibited from living in nursing home; penalties. No sex
1047 offender finally classified as a level 3 offender shall knowingly and willingly establish living
1048 conditions within, move to, be placed in, or be transferred to any convalescent or nursing home,
1049 infirmary maintained in a town, rest home, charitable home for the aged or intermediate care
1050 facility for persons with an intellectual disability, which meets the requirements of the
1051 department of public health under section 71 of chapter 111. Any sex offender who violates this
1052 paragraph shall, for a first conviction, be punished by imprisonment for not more than 30 days in
1053 a jail or house of correction; for a second conviction, be punished by imprisonment for not more
1054 than 2 ½ years in a jail or house of correction, nor more than 5 years in a state prison, or by a fine
1055 of not more than $1,000, or by both such fine and imprisonment; and for a third and subsequent
1056 conviction, be punished by imprisonment in a state prison for not less than 5 years; provided,
1057 however, that the sentence imposed for a third or subsequent conviction shall not be reduced to
1058 less than 5 years, nor suspended, nor shall any person sentenced herein be eligible for probation,
1059 parole, work release or furlough, or receive any deduction from his sentence for good conduct
1060 until he shall have served 5 years. Prosecutions commenced hereunder shall neither be continued
1061 without a finding nor placed on file.

1062 (f) Classification priorities; agency cooperation. The sex offender registry board shall
1063 make a determination regarding the level of risk of reoffense and the degree of dangerousness
1064 posed to the public by each sex offender listed in the sex offender registry and shall give
1065 immediate priority to those offenders who have been convicted of a sex offense involving a child
1066 or convicted or adjudicated as a delinquent juvenile or as a youthful offender by reason of a
1067 sexually violent offense and who have not been sentenced to incarceration for at least 90 days,
1068 followed, in order of priority, by those sex offenders who (1) have been released from
1069 incarceration within the past 12 months, (2) are currently on parole or probation supervision, and
1070 (3) are scheduled to be released from incarceration within 6 months. All agencies shall cooperate
1071 in providing files to the sex offender registry board and any information the sex offender registry
1072 board deems useful in providing notice under sections 178C to 178Q, inclusive, and in assessing
1073 the risk of reoffense and the degree of dangerousness posed to the public by the sex offender. All
1074 agencies from which information, including information within the control of providers under
1075 contract to these agencies, is requested by the sex offender registry board shall make such
1076 information available to the board immediately upon request. Failure to comply in good faith
1077 with such a request within 30 days shall be punishable by a fine of not more than $1,000 per day.

1078 Section 178L. Classification; notification; evidentiary hearings; right to counsel

1079 (a) Recommended Classification. Upon review of any information useful in assessing the
1080 risk of reoffense and the degree of dangerousness posed to the public by the sex offender,
1081 including materials described in the board guidelines and any materials submitted by the sex
1082 offender, the board shall prepare a recommended classification level for each offender. The
1083 recommendation may be made by board staff members upon written approval by a majority of
1084 members of the board.

1085 (1) Sex offender in custody. Not less than 6 months prior to their release or parole from
1086 custody or incarceration, the board shall notify the sex offender of their right to submit to the
1087 board documentary evidence relative to their risk of reoffense and the degree of dangerousness
1088 posed to the public. If the sex offender is a minor or has been deemed by a court to be
1089 incompetent at the time of the notification, notification shall also be mailed to the sex offender's
1090 legal guardian or agency having custody of the person in the absence of a legal guardian and his
1091 most recent attorney of record. The sex offender may submit evidence to the board within 30
1092 days of receiving the notice from the board. Upon a reasonable showing, the board may extend
1093 the time in which a sex offender may submit documentary evidence, by not longer than 30 days.
1094 Upon reviewing the evidence, the board shall promptly, within 30 days, notify the sex offender
1095 of the board's recommended classification level, their duty to register and their right to petition
1096 the board to request an evidentiary hearing to challenge the recommended classification level,
1097 and their right to retain counsel to represent them at a hearing. The sex offender shall petition the
1098 board for an evidentiary hearing within 20 days of receiving notice. The board shall conduct a de
1099 novo evidentiary hearing within 60 days according to the provisions of subsection (b) and shall
1100 determine the sex offender's final classification level prior to the offender's release from

1101 incarceration. The failure to timely petition the board for a hearing shall result in a waiver of the
1102 right to a hearing, and the board's recommended classification level shall become the sex
1103 offender's final classification level and shall not be subject to judicial review. All agencies
1104 having custody of a confined sex offender shall cooperate with the board in providing notices to
1105 the offender and proper space to conduct hearings.

1106 (2) Requests for expedited classification. The district attorney for the county where the
1107 sex offender was prosecuted may, within 10 days of a conviction or adjudication of a sexually
1108 violent offense, file a motion with the board to make an expedited recommended classification
1109 upon a showing that the sex offender poses a grave risk of imminent reoffense. If the petition is
1110 granted, the board shall make the recommendation classification within 10 days of the expiration
1111 of the time to submit documentary evidence. If the petition is not granted, the board shall make
1112 the recommended classification as otherwise provided in this section.

1113 (3) Sex offender not in custody. In the case of any sex offender (i) who, as of the
1114 effective date of this section, is not in custody and whom the board never issued a final
1115 classification level under the version of sections 178K and 178L in effect prior July 1, 2013, (ii)
1116 who receives a sentence of confinement or order of custody of less than 6 months; (iii) who does
1117 not receive a sentence of incarceration or order of custody; or (iv) is ordered by the court to be
1118 immediately discharged from any form of custody, the board shall, upon receiving registration
1119 information from the agency that has custody of the sex offender; the police department at which
1120 the sex offender registered; or any other source, promptly notify the sex offenders of their right
1121 to submit to the board documentary evidence relative to their risk of reoffense and the degree of
1122 dangerousness posed to the public. If the sex offender is a minor or has been deemed by a court
1123 to be incompetent at the time of the notification, notification shall also be mailed to the sex
1124 offender's legal guardian or agency having custody of the person in the absence of a legal
1125 guardian and his most recent attorney of record. The sex offender may submit evidence to the
1126 board within 30 days of receiving such notice from the board. Upon a reasonable showing, the
1127 board may extend the time in which a sex offender may submit documentary evidence, by not
1128 longer than 30 days. Upon reviewing the evidence, the board shall promptly, within 30 days,
1129 notify the sex offenders of the board's recommended classification level, their duty to register
1130 and their right to petition the board to request an evidentiary hearing to challenge the
1131 recommended classification level, their right to retain counsel to represent him at the hearing.
1132 The sex offender shall petition the board for an evidentiary hearing within 20 days of receiving
1133 notice. The board shall conduct a de novo evidentiary hearing in a reasonable time according to
1134 the provisions of subsection (b). The failure to timely petition the board for a hearing shall result
1135 in a waiver of the right to a hearing, and the board's recommended classification level shall
1136 become the sex offender's final classification level and shall not be subject to judicial review.

1137 (b) Hearings to Determine Final Classification Level. If any sex offender requests a
1138 hearing in accordance with subsection (a) to challenge his recommended classification, the chair
1139 may appoint a member, a panel of 3 board members or a hearing officer to conduct the hearing,

1140 according to the standard rules of adjudicatory procedure or other rules which the board may
1141 promulgate, and to determine by a preponderance of evidence the sex offender's duty to register
1142 and final classification level. If the sex offender does not request a hearing, the board's
1143 recommended classification level shall become the final classification level and shall not be
1144 subject to judicial review. If the sex offender fails to appear at his scheduled hearing, the board's
1145 recommended classification level shall become the sex offender's final classification level and
1146 shall not be subject to judicial review.

1147 (c) Previously finally classified sex offenders. The provisions of this section apply to all
1148 sex offenders, as defined in section 178C. The final classification level any sex offender received
1149 under the prior version of this section and section 178K remains in effect. Nothing in this section
1150 shall exempt a sex offender from complying with the registration requirements set forth in
1151 section 178E.

1152 (d) The board may seek to reclassify any finally classified sex offender upon review of
1153 any new information useful in assessing the risk of reoffense and the degree of dangerousness
1154 posed to the public by the sex offender, including materials described in the board guidelines. A
1155 new conviction shall not be required for such reclassification. The board shall promulgate
1156 regulations establishing the procedures for reclassification under this subsection.

1157 Section 178M. Judicial review of board's final classification

1158 An offender may seek judicial review, in accordance with section 14 of chapter 30A, of
1159 the board's final classification decision and registration requirements. An attorney employed or
1160 retained by the board may make an appearance, subject to section 3 of chapter 12, to defend the
1161 board's final classification decision. The court shall reach its final decision within 60 days of the
1162 sex offender's petition for review. The court shall keep proceedings conducted under this
1163 paragraph and records from these proceedings confidential, and these proceedings and records
1164 shall be impounded, but the filing of an action under this section shall not stay the effect of the
1165 board's final classification.

1166 Section 178N. Misuse of information; penalties

1167 Information contained in the sex offender registry shall not be used to commit a crime
1168 against a sex offender or to engage in illegal discrimination or harassment of an offender. A
1169 person who uses information disclosed under the provisions of sections 178C to 178Q, inclusive,
1170 for such purpose shall be punished by not more than 2½ years in a house of correction or by a
1171 fine of not more than $1,000 or by both such fine and imprisonment.

1172 Section 178O. Liability of public officials and employees for sex offender registry
1173 information

1174 Police officials and other public employees acting in good faith shall not be liable in a
1175 civil or criminal proceeding for the dissemination of sex offender registry information or other
1176 act or omission under the provisions of sections 178C to 178Q, inclusive.

1177 Section 178P. Failure to comply with registration requirements; warrantless arrests

1178 When a police officer has probable cause to believe that a sex offender has failed to
1179 comply with the registration requirements of sections 178C to 178Q, inclusive, the officer shall
1180 have the right to arrest the sex offender without a warrant and to keep the sex offender in
1181 custody.

1182 Section 178Q. Sex offender registry fee

1183 The board shall assess upon every sex offender a fee of $75, hereinafter referred to as
1184 "sex offender registry fee." Sex offenders shall pay the sex offender registry fee upon their initial
1185 registration as a sex offender and annually thereafter in the month of their birth provided,
1186 however, no fee shall be assessed or collected until offenders have either (1) waived their right to
1187 petition for an evidentiary hearing to challenge their duty to register as a sex offender as set forth
1188 in section 178L or (2) have completely exhausted the legal remedies made available to them to
1189 challenge their duty to register under sections 178L and 178M and have not prevailed in their
1190 attempt to eliminate their duty, nor shall a fee be assessed upon a sex offender until the offender
1191 reaches 18 years of age. A sex offender's duty to pay the fee established by this section shall
1192 only terminate upon the termination of the sex offender's duty to register as a sex offender as set
1193 forth in section 178G.

1194 The sex offender registry board may waive payment of the sex offender registry fee if it
1195 determines that the payment would constitute an undue hardship on the sex offender or the sex
1196 offender's family due to limited income, employment status, or any other relevant factor. Any
1197 waiver so granted shall be in effect only during the period of time that the sex offender is
1198 determined to be unable to pay the sex offender registry fee. The board shall establish procedures
1199 relative to the collection and waiver of the fee by regulation. The sex offender registry fee shall
1200 be collected by the sex offender registry board. The board shall account for all fees received and
1201 report fees annually to the secretary of administration and finance and the house and senate
1202 committees on ways and means.The sex offender registry board shall retain 50 per cent of fees
1203 collected pursuant to this section and 50 per cent of fees collected pursuant to this section shall
1204 be transferred to the Massachusetts office for victim assistance.

1205 SECTION 3. Chapter 22E, as so appearing, is hereby amended by striking out section 3
1206 and inserting in place thereof the following section:-

1207 Section 3. A person who is convicted of an offense that is punishable by imprisonment in
1208 the state prison, who is adjudicated a youthful offender by reason of an offense that would be
1209 punishable by imprisonment in the state prison if committed by an adult, who is required to

1210 register as a sex offender under section 178E of chapter 6 or who enters the commonwealth
1211 under the interstate compact for adult offender supervision and committed a crime in the sending
1212 state that would be punishable by imprisonment in state prison if committed in Massachusetts
1213 shall submit a DNA sample to the department within 90 daysof the conviction or adjudication or,
1214 if incarcerated, before release from custody, or when they register as a sex offender, whichever
1215 occurs first. The trial court and probation department shall work in conjunction with the director
1216 to establish and implement a system for the electronic notification to the department whenever a
1217 person is convicted of an offense that requires the submission of a DNA sample under this
1218 section. The sample shall be collected by a person authorized under section 4, in accordance with
1219 regulations or procedures established by the director. The results of the sample shall become part
1220 of the state DNA database. The submission of the DNA sample shall not be stayed pending a
1221 sentence appeal, motion for new trial, appeal to an appellate court or other post conviction
1222 motion or petition.

1223 SECTION 4. Chapter 15D of the General Laws, is hereby amended by inserting after
1224 section 8, the following new section:-

1225 Section 8 ½. The department shall immediately notify the sex offender registry board
1226 whenever a person applies for a license to operate a child care center, a family child care home, a
1227 large family child care home, or a family child care system and that person (1) is required to
1228 register as a sex offender; or (2) has previously been required to register as a sex offender. The
1229 department shall immediately notify the sex offender registry board whenever a person applies
1230 for a license to provide child care in a private residence and a person living in the private
1231 residence (1) is required to register as a sex offender; or (2) has previously been required to
1232 register as a sex offender. If a person seeking a license from the department intends to provide
1233 childcare in a private residence, the department shall ensure that no person living in the private
1234 residence (1) is required to register as a sex offender; or (2) has previously been required to
1235 register as a sex offender.

1236 SECTION 5. Section 6 of chapter 156C of the General Laws, as appearing in the 2010
1237 Official Edition, is hereby amended by inserting at the end thereof, the following new
1238 subsection:-

1239 (d) When a limited liability company indicates in its certificate of organization that the
1240 general character of the business shall be to provide childcare through the operation of a child
1241 care center, a family child care home, a large family child care home, or a family child care
1242 system, such limited liability company shall include its license number as provided by the
1243 department of early education and care. In such case, the office of the state secretary shall verify
1244 the license number at the time of initial filing prior to final approval of the certificate of
1245 organization.

1246 SECTION 6. Section 22 of chapter 265 of the General Laws, as appearing in the 2010
1247 Official Edition, is hereby amended by inserting, in line 12, after the word "years" the following-
1248 ; but not less than 5 years

1249 ;and further by inserting, in line 24 after the word "years" the following:- but not less
1250 than 5 years

1251 ;and further by inserting, in line 26 after the word "years" the following:- but not less
1252 than 10 years

1253 SECTION 7. Section 22B of chapter 265 of the General Laws, as so appearing, is hereby
1254 amended by striking in paragraph (f), the number "15" each time it appears and inserting in
1255 place thereof the following number:- 25.

1256 SECTION 8. Section 22C of chapter 265 of the General Laws, as so appearing, is hereby
1257 amended by striking in the first paragraph, the number "20" each time it appears and inserting in
1258 place thereof the following number:- 30.

1259 SECTION 9. Chapter 265 of the General Laws, as so appearing, is hereby amended by
1260 inserting after section 22C, the following new section:

1261 Section 22D. Whoever has sexual intercourse or unnatural sexual intercourse with a
1262 person with disability, as defined in section 13K, and compels such a person with disability to
1263 submit by force and against his or her will or compels such a person with disability to submit by
1264 threat of bodily injury, shall be punished by imprisonment in the state prison for life or for any
1265 terms of years. A prosecution commenced under this section shall neither be continued without a
1266 finding nor placed on file.

1267 SECTION 10. Section 23A of chapter 265 of the General Laws, as so appearing, is
1268 hereby amended by striking, in lines 3 through 7, inclusive, subsections (a) and (b) in their
1269 entirety and inserting in place thereof the following:-

1270 (a) there exists more than a 5 year age difference between the defendant and the victim
1271 and the victim is under 16 years of age; or

1272 ; and further by striking in line 8, the letter (c) and inserting in place thereof the letter (b).

1273 SECTION 11. Section 23B of chapter 265 of the General Laws, as so appearing, is
1274 hereby amended by striking the number "15" each time it appears and inserting in place thereof
1275 the following number:- 25.

1276 SECTION 12. Chapter 272 of the General Laws, as appearing in the 2010 Official
1277 Edition, is hereby amended by striking section 16 in its entirety and inserting in place thereof
1278 the following sections:-

1279 Section 16. A person who is guilty of open and gross lewdness and lascivious behavior,
1280 shall be punished by imprisonment in the state prison for not more than 3 years or in jail for not
1281 more than 2 years or by a fine of not more than $300. An exposure of genitals which is solely
1282 incidental to the act of public urination, and where there is no intent to draw attention to such
1283 person's genitals either for the purpose of sexually arousing such person or another person, or
1284 for the purpose of sexually insulting or offending another person or other people, shall not be an
1285 offense under this section.

1286 Section 16 ½. A person who is guilty of public urination shall be punished by
1287 imprisonment in a house of correction for not more than 60 days or by a fine of not more than
1288 $100.

1289 SECTION 13. Section 100A of chapter 276 of the General Laws, as appearing in the
1290 2010 Official Edition, is hereby amended in the second paragraph by striking subparagraph 6, in
1291 lines 69 through 77, inclusive, in its entirety and inserting in place thereof the following new
1292 subparagraph:-

1293 6. Any person who is required to register as a sex offender or who has ever been required
1294 to register as a sex offender shall not be entitled to have convictions for sex offenses, as defined
1295 by section 178C of chapter 6, sealed or expunged as otherwise permitted by statute or other rule
1296 of law.

1297 SECTION 14. Retroactive Application to Finally Classified Registered Sex Offenders.

1298 Notwithstanding any general or special law to the contrary, any sex offender finally
1299 classified by the board and required to register under sections 178C to 178Q, in effect prior to the
1300 effective date of this act, must continue to register under this act.

1301 The board shall send to all sex offenders finally classified by the board under sections
1302 178C to 178Q, in effect prior to the effective date and who must continue to register, written
1303 notification, and the sex offenders shall acknowledge in writing, of their duty to register in the
1304 commonwealth and in any other jurisdiction where they reside, have a secondary address, work
1305 or are enrolled in school, notification of their duty to verify and update their registration
1306 information, and the penalties for failure to do so and for giving false registration information. If
1307 the sex offender is a minor or has been deemed by a court to be incompetent at the time of
1308 notification, the notification shall also be mailed to the sex offender's legal guardian or agency
1309 having custody of the person in the absence of a legal guardian and his most recent attorney of
1310 record.

1311 This notification shall inform the sex offenders of the date they must verify their
1312 registration information under 178E(c) of this act and the date or dates during the next 12 months
1313 that they must verify their registration information. Level 1 sex offenders must verify their
1314 registration information in person within 12 months of the effective date of this section; level 2

1315 sex offenders must verify their registration information in person within 6 months of the
1316 effective date of this section; level 3 sex offenders, including sexually violent predators, must
1317 verify their registration information in person within 3 months of the effective date of this
1318 section; and homeless sex offenders must verify their registration information within 30 days of
1319 the effective date of this section. Sex offender shall appear in person to verify and update their
1320 registration information at the police department in the city or town where the sex offender
1321 resides, or if the sex offender does not reside in the commonwealth, in the city or town where the
1322 sex offender has a secondary address, works or is enrolled in school. The police department shall
1323 enter the registration information into the sex offender registry and electronically transmit the
1324 sex offender's registration information to the board. The sex offender's final classification by the
1325 board as a level 1, level 2, or level 3 under sections 178C to 178Q, in effect prior to the effective
1326 date, will remain the same.

1327 If the sex offender no longer has an obligation to register under this act, the board shall so
1328 notify the sex offender.

1329 SECTION1 5. Retroactive Application to Unclassified Registered Sex Offenders.

1330 Notwithstanding any general or special law to the contrary, any sex offender not finally
1331 classified by the board who was required to register under sections 178C to 178Q, in effect prior
1332 to the effective date of this act, must continue to register under this act.

1333 The board shall send to all unclassified sex offenders who must continue to register,
1334 written notification, and the sex offenders shall acknowledge in writing, of their duty to register
1335 in the commonwealth and in any other jurisdiction where they reside, have a secondary address,
1336 work or are enrolled in school, notification of their duty to verify and update their registration
1337 information, and the penalties for failure to do so and for giving false registration information. If
1338 the sex offender is a minor or has been deemed by a court to be incompetent at the time of
1339 notification, the notification shall also be mailed to the sex offender's legal guardian or agency
1340 having custody of the person in the absence of a legal guardian and his most recent attorney of
1341 record.

1342 This notification shall inform sex offenders of the date they must verify their registration
1343 information under 178E(c) of this act and the date or dates during the next 12 months that they
1344 must verify their registration information.

1345 SECTION 16 . Notwithstanding any general or special law to the contrary, a person
1346 required to register as a sex offender who has not previously submitted a DNA sample to the
1347 department of state police under chapter 22E shall submit a DNA sample to the department
1348 within 90 days of the effective date of this act.

1349 SECTION 17. Notwithstanding any general or special law to the contrary, any business,
1350 including a sole proprietorship, association, partnership, limited liability company, corporation,

1351 nonprofit corporation, cooperative corporation, organized group of persons, or any other type of
1352 business which is required to file documentation with the state prior to engaging in business, and
1353 the general character of such business is to provide childcare through the operation of a child
1354 care center, a family child care home, a large family child care home, or a family child care
1355 system shall be required to provide a license number as provided by the department of early
1356 education and care when filing with the state.