HOUSE DOCKET, NO. 663 FILED ON: 1/14/2013

HOUSE . . . . . No. 1526

The Commonwealth of Massachusetts

PRESENTED BY:

Shaunna O'Connell and James J. Dwyer

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 public access to sex offender information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Shaunna O'Connell	*3rd Bristol*
James J. Dwyer	*30th Middlesex*
Brian M. Ashe	*2nd Hampden*
Matthew A. Beaton	*11th Worcester*
Nicholas A. Boldyga	*3rd Hampden*
Geoff Diehl	*7th Plymouth*
Stephen L. DiNatale	*3rd Worcester*
Ryan C. Fattman	*18th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Robert L. Hedlund	*Plymouth and Norfolk*
Bradley H. Jones, Jr.	*20th Middlesex*
Keiko M. Orrall	*12th Bristol*
Todd M. Smola	*1st Hampden*
Bruce E. Tarr	*First Essex and Middlesex*
Daniel B. Winslow	*9th Norfolk*
Laurie Myers	*Community VOICES (president)* *7 Pinehill Avenue* *Chelmsford, MA 01824*

	□
Joseph DiPietro, Protect Mass Children	*1150 Walnut Street* □*Newton, MA 02461* □
John P. Fresolo	*16th Worcester*
Bradford Hill	*4th Essex*
Marc T. Lombardo	*22nd Middlesex*
James R. Miceli	*19th Middlesex*
Angelo L. D'Emilia	*8th Plymouth*

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By Representatives O'Connell of Taunton and Dwyer of Woburn, a petition (accompanied by bill, House, No. 1526) of Shaunna O'Connell, James J. Dwyer and others relative to public access to sex offender information. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to public access to sex offender information.

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. Chapter 6 of the General Laws as appearing in the 2010 Official Edition, is hereby amended by striking out section 178D in its entirety and inserting in place thereof the following:—

Section 178D. The sex offender registry board, known as the board, in cooperation with the department, shall establish and maintain a central computerized registry of all sex offenders required to register pursuant to sections 178C to 178P, inclusive, known as the sex offender registry. The sex offender registry shall be updated based on information made available to the board, including information acquired pursuant to the registration provisions of said sections 178C to 178P, inclusive. The file on each sex offender required to register pursuant to said sections 178C to 178P, inclusive, shall include the following information, hereinafter referred to as registration data:

(a) the sex offender's name, aliases used, date and place of birth, sex, race, height, weight, eye and hair color, social security number, home address, any secondary addresses and work address and, if the sex offender works at or attends an institution of higher learning, the name and address of the institution;

(b) a photograph and set of fingerprints;

(c) a description of the offense for which the sex offender was convicted or adjudicated, the city or town where the offense occurred, the date of conviction or adjudication and the sentence imposed;

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

22 (e) any other information which may be useful in identifying the sex offender.

23 Notwithstanding sections 178C to 178P, inclusive, or any other general or special law to
24 the contrary and in addition to any responsibility otherwise imposed upon the board, the board
25 shall make the sex offender information contained in the sex offender registry, delineated below
26 in subsections (i) to (viii), inclusive, available for inspection by the general public in the form of
27 a comprehensive database published on the internet, known as the "sex offender internet
28 database." Information regarding level 1, 2 and 3 offenders, finally classified, will be accessible
29 by the public via the internet, including but not limited to the Massachusetts sex offender registry
30 website.

31 (i) the name of the sex offender;

32 (ii) the offender's home address and any secondary addresses;

33 (iii) the offender's work address and business or company name;

34 (iv) the offense for which the offender was convicted or adjudicated and the date of the
35 conviction or adjudication;

36 (v) the sex offender's age, sex, race, height, weight, eye and hair color;

37 (vi) a photograph of the sex offender;

38 (vii) whether the sex offender has been designated a sexually violent predator; and

39 (viii) whether the offender is in compliance with the registration obligations of sections
40 178C to 178P, inclusive.

41 All information provided to the general public through the sex offender internet database
42 shall include a warning regarding the criminal penalties for use of sex offender registry
43 information to commit a crime or to engage in illegal discrimination or harassment of an
44 offender and the punishment for threatening to commit a crime under section 4 of chapter 275.
45 The sex offender internet database shall be updated regularly, based on information available to
46 the board and shall be open to searches by the public at any time without charge or subscription.
47 The board shall promulgate rules and regulations to implement, update and maintain such a sex
48 offender internet database, to ensure the accuracy, integrity and security of information contained
49 therein, to ensure the prompt and complete removal of registration data for persons whose duty
50 to register has terminated or expired under section 178G, 178L or 178M or any other law and to
51 protect against the inaccurate, improper or inadvertent publication of registration data on the
52 internet.

53 The board shall develop standardized registration and verification forms, which shall
54 include registration data as required pursuant to sections 178C to 178P. The board shall make
55 blank copies of such forms available to all agencies having custody of sex offenders and all city

56 and town police departments; provided, however, that the board shall determine the format for
57 the collection and dissemination of registration data, which may include the electronic
58 transmission of data. Records maintained in the sex offender registry shall be open to any law
59 enforcement agency in the commonwealth, the United States or any other state. The board shall
60 promulgate rules and regulations to implement the provisions of sections 178C to 178P,
61 inclusive. Such rules and regulations shall include provisions which may permit police
62 departments located in a city or town that is divided into more than one zip code to disseminate
63 information pursuant to the provisions of section 178J categorized by zip code and to
64 disseminate such information limited to one or more zip codes if the request for such
65 dissemination is so qualified; provided, however, that for the city of Boston dissemination of
66 information may be limited to one or more police districts.

67 The board may promulgate regulations further defining in a manner consistent with
68 maintaining or establishing eligibility for federal funding pursuant to the Jacob Wetterling
69 Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section
70 14071, the eligibility of sex offenders to be relieved of the obligation to register, including but
71 not limited to, regulations limiting motions under subsection (e) of section 178E, section 178G
72 and relief from registration pursuant to paragraph (d) of subsection (2) of section 178K.

73 SECTION 2. Chapter 6 of the General Laws as appearing in the 2010 Official Edition, is
74 hereby amended by striking out section 178E subsection (c) in its entirety and inserting in place
75 thereof the following:—

76 (c) Any court which enters a conviction for a sex offense or adjudication as a youthful
77 offender or as a delinquent juvenile by reason of a sex offense, but does not impose a sentence of
78 confinement of 90 days or more to be served immediately shall inform the sex offender and
79 require the sex offender to acknowledge, in writing, his duty to register in the commonwealth
80 and in any state where he resides, is employed, carries on a vocation or is a student, to verify
81 registration information and to give notice of change of address or intended change of address
82 within the commonwealth or in another state and the penalties for failure to do so and for giving
83 false registration information, and of his right to submit to the board, according to section 178L,
84 documentary evidence relative to his risk of reoffense, the degree of dangerousness posed to the
85 public and of his duty to register under this section. If such sex offender is a juvenile at the time
86 of such adjudication, the legal guardian or agency having custody of the juvenile and his most
87 recent attorney of record shall also be required to acknowledge, in writing, such information. The
88 court shall cause such sex offender's registration data which, for purposes of this paragraph, shall
89 include identifying factors, anticipated future residence, any anticipated secondary addresses,
90 offense history and documentation of any treatment received for a mental abnormality to be
91 transmitted to the board within five days of sentencing. The board shall promptly transmit the
92 registration data for level 1, 2 and 3 offenders to the police departments in the municipalities
93 where such sex offender intends to live and work and where the offense was committed and to
94 the Federal Bureau of Investigation for internet dissemination on the Dru Sjodin National Sex

95 Offender Registry. A sex offender shall, within two days of receiving such notice or of release
96 from confinement, whichever is later, register by mailing to the board on a form approved by the
97 board and signed under the pains and penalties of perjury, the sex offender's name, date of birth,
98 home address or intended home address, any secondary addresses or intended secondary
99 addresses, work address or intended work address and, if the sex offender is or intends to become
100 a part-time or full-time employee of an institution of higher learning, the name and address of the
101 institution, and, if the sex offender is or intends to become a part-time or full-time student of an
102 institution of higher learning, the name and address of the institution.

103 SECTION 3. Chapter 6 of the General Laws as appearing in the 2010 Official Edition, is
104 hereby amended by striking out section 178I in its entirety and inserting in place thereof the
105 following:—

106 Section 178I. Any person who is 18 years of age or older and who states that he is
107 requesting sex offender registry information for his own protection or for the protection of a
108 child under the age of 18 or another person for whom the requesting person has responsibility,
109 care or custody shall receive at no cost from the board a report to the extent available pursuant to
110 sections 178C to 178P, inclusive, which indicates whether an individual identified by name, date
111 of birth or sufficient personal identifying characteristics is a sex offender with an obligation to
112 register pursuant to this chapter, the offenses for which he was convicted or adjudicated and the
113 dates of such convictions or adjudications. Any records of inquiry shall be kept confidential,
114 except that the records may be disseminated to assist or defend in a criminal prosecution.

115 Information about level 1, 2 and 3 offenders shall be made available.

116 All reports to persons making inquiries shall include a warning regarding the criminal
117 penalties for use of sex offender registry information to commit a crime or to engage in illegal
118 discrimination or harassment of an offender and the punishment for threatening to commit a
119 crime under section 4 of chapter 275.

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

122 SECTION 4. Chapter 6 of the General Laws as appearing in the 2010 Official Edition, is
123 hereby amended by striking out section 178J in its entirety and inserting in place thereof the
124 following:—

125 Section 178J. (a) A person who requests sex offender registry information shall:

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

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

128 (3) require sex offender registry information for his own protection or for the protection
129 of a child under the age of 18 or another person for whom such inquirer has responsibility, care
130 or custody, and so state.

131 Such records of inquiries shall include a warning regarding the criminal penalties for use
132 of sex offender registry information to commit a crime or to engage in illegal discrimination or
133 harassment of an offender and the punishment for threatening to commit a crime under the
134 provisions of section 4 of chapter 275. Such records of inquiries shall state: "I understand that
135 the sex offender registry information disclosed to me is intended for my own protection or for the
136 protection of a child under the age of 18 or another person for whom I have responsibility, care
137 or custody."

138 (b) The person making the inquiry may either:

139 (1) identify a specific individual by name or provide personal identifying information
140 sufficient to allow the police to identify the subject of the inquiry; or

141 (2) inquire whether any sex offenders live, work or attend an institution of higher
142 learning within the same city or town at a specific address including, but not limited to, a
143 residential address, a business address, school, after-school program, child care center,
144 playground, recreational area or other identified address and inquire in another city or town
145 whether any sex offenders live, work or attend an institution of higher learning within that city or
146 town, upon a reasonable showing that the sex offender registry information is requested for his
147 own protection or for the protection of a child under the age of 18 or another person for whom
148 the inquirer has responsibility, care or custody; or

149 (3) inquire whether any sex offenders live, work or attend an institution of higher
150 learning on a specific street within the city or town in which such inquiry is made.

151 (c) If the search of the sex offender registry results in the identification of a sex offender
152 required to register pursuant to this chapter who has been finally classified by the board under
153 section 178K, the police shall disseminate to the person making the inquiry:

154 (1) the name of the sex offender;

155 (2) the home address and any secondary address if located in the areas described in clause
156 (2) or (3) of subsection (b);

157 (3) the work address if located in the areas described in said clause (2) or (3) of said
158 subsection (b);

159 (4) the offense for which he was convicted or adjudicated and the dates of such
160 conviction or adjudication;

161 (5) the sex offender's age, sex, race, height, weight, eye and hair color; and

162 (6) a photograph of the sex offender.

163 (7) the name and address of the institution of higher learning where the sex offender
164 works or is enrolled as a student, if located in the areas described in clause (2) or (3) of
165 subsection (b).

166 The police shall not release information identifying the victim by name, address or the
167 victim's relation to the offender.

168 SECTION 5. Chapter 6 of the General Laws as appearing in the 2010 Official Edition, is
169 hereby amended by striking out section 178K in its entirety and inserting in place thereof the
170 following:—

171 Section 178K. (1) There shall be, in the executive office of public safety and security, a
172 sex offender registry board which shall consist of seven members who shall be appointed by the
173 governor for terms of six years, with the exception of the chairman, and who shall devote their
174 full time during business hours to their official duties. The board shall include one person with
175 experience and knowledge in the field of criminal justice who shall act as chairman; at least two
176 licensed psychologists or psychiatrists with special expertise in the assessment and evaluation of
177 sex offenders and who have knowledge of the forensic mental health system; at least one
178 licensed psychologist or psychiatrist with special expertise in the assessment and evaluation of
179 sex offenders, including juvenile sex offenders and who has knowledge of the forensic mental
180 health system; at least two persons who have at least five years of training and experience in
181 probation, parole or corrections; and at least one person who has expertise or experience with
182 victims of sexual abuse. Members shall be compensated at a reasonable rate subject to approval
183 of the secretary of administration and finance.

184 The chairman shall be appointed by and serve at the pleasure of the governor and shall be
185 the executive and administrative head of the sex offender registry board, shall have the authority
186 and responsibility for directing assignments of members of said board and shall be the appointing
187 and removing authority for members of said board's staff. In the case of the absence or disability
188 of the chairman, the governor may designate one of the members to act as chairman during such
189 absence or disability. The chairman shall, subject to appropriation, establish such staff positions
190 and employ such administrative, research, technical, legal, clerical and other personnel and
191 consultants as may be necessary to perform the duties of said board. Such staff positions shall
192 not be subject to section 9A of chapter 30 or chapter 31.

193 The governor shall fill any vacancy for the unexpired term. As long as there are four
194 sitting members, a vacancy shall not impair the right of the remaining members to exercise the
195 powers of the board.

196 The sex offender registry board shall promulgate guidelines for determining the level of
197 risk of reoffense and the degree of dangerousness posed to the public or for relief from the

198 obligation to register and shall provide for three levels of notification depending on such risk of
199 reoffense and the degree of dangerousness posed to the public; apply the guidelines to assess the
200 risk level of particular offenders; develop guidelines for use by city and town police departments
201 in disseminating sex offender registry information; devise a plan, in cooperation with state and
202 local law enforcement authorities and other appropriate agencies, to locate and verify the current
203 addresses of sex offenders including, subject to appropriation, entering into contracts or
204 interagency agreements for such purposes; and conduct hearings as provided in section 178L.
205 The attorney general and the chief counsel of the committee for public counsel services, or their
206 designees, shall assist in the development of such guidelines. Factors relevant to the risk of
207 reoffense shall include, but not be limited to, the following:

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

210 (i) whether the sex offender has a mental abnormality;

211 (ii) whether the sex offender's conduct is characterized by repetitive and compulsive
212 behavior;

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

214 (iv) the age of the sex offender at the time of the commission of the first sex offense;

215 (v) whether the sex offender has been adjudicated to be a sexually dangerous person
216 pursuant to section 14 of chapter 123A or is a person released from civil commitment pursuant to
217 section 9 of said chapter 123A; and

218 (vi) whether the sex offender served the maximum term of incarceration;

219 (b) other criminal history factors to be considered in determining risk and degree of
220 dangerousness, including:

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

222 (ii) whether the offense involved the use of a weapon, violence or infliction of bodily
223 injury;

224 (iii) the number, date and nature of prior offenses;

225 (c) conditions of release that minimize risk of reoffense and degree of dangerousness
226 posed to the public, including whether the sex offender is under probation or parole supervision,
227 whether such sex offender is receiving counseling, therapy or treatment and whether such sex
228 offender is residing in a home situation that provides guidance and supervision, including sex
229 offender-specific treatment in a community-based residential program;

230 (d) physical conditions that minimize risk of reoffense including, but not limited to,
231 debilitating illness;

232 (e) whether the sex offender was a juvenile when he committed the offense, his response
233 to treatment and subsequent criminal history;

234 (f) whether psychological or psychiatric profiles indicate a risk of recidivism;

235 (g) the sex offender's history of alcohol or substance abuse;

236 (h) the sex offender's participation in sex offender treatment and counseling while
237 incarcerated or while on probation or parole and his response to such treatment or counseling;

238 (i) recent behavior, including behavior while incarcerated or while supervised on
239 probation or parole;

240 (j) recent threats against persons or expressions of intent to commit additional offenses;

241 (k) review of any victim impact statement; and

242 (l) review of any materials submitted by the sex offender, his attorney or others on behalf
243 of such offender.

244 (2) The guidelines shall provide for three levels of notification depending on the degree
245 of risk of reoffense and the degree of dangerousness posed to the public by the sex offender or
246 for relief from the obligation to register:

247 (a) Where the board determines that the risk of reoffense is low, it shall give a level 1
248 designation to the sex offender and transmit the registration data and designation to the police
249 departments in the municipalities where such sex offender lives and works and attends an
250 institution of higher learning or, if in custody, intends to live and work and attend an institution
251 of higher learning upon release and where the offense was committed and to the Federal Bureau
252 of Investigation. The police and the board shall release such information identifying such sex
253 offender to the department of correction, any county correctional facility, the department of
254 youth services, the department of children and families, the parole board, the department of
255 probation and the department of mental health, all city and town police departments and the
256 Federal Bureau of Investigation. The public shall have access to the information regarding a
257 level 1 offender in accordance with sections 178D, 178I and 178J.

258 (b) Where the board determines that the risk of reoffense is moderate, it shall give a level
259 2 designation to the sex offender and transmit the registration data and designation to the police
260 departments in the municipalities where the sex offender lives, has a secondary address and
261 works and attends an institution of higher learning or, if in custody, intends to live and work and
262 attend an institution of higher learning upon release and where the offense was committed and to

263 the Federal Bureau of Investigation. The public shall have access to the information regarding a
264 level 2 offender in accordance with sections 178D, 178I and 178J.

265 The sex offender shall be required to register and to verify registration information
266 pursuant to section 178F1/2.

267 (c) Where the board determines that the risk of reoffense is high and the degree of
268 dangerousness posed to the public is such that a substantial public safety interest is served by
269 active dissemination, it shall give a level 3 designation to the sex offender. In such case, the
270 board shall transmit the registration data and designation to the police departments in the
271 municipalities where the sex offender lives, has a secondary address and works and attends an
272 institution of higher learning or, if in custody, intends to live and work and attend an institution
273 of higher learning upon release and where the offense was committed and to the Federal Bureau
274 of Investigation. A level 3 community notification plan shall require the police department to
275 notify organizations in the community which are likely to encounter such sex offender and
276 individual members of the public who are likely to encounter such sex offender. The sex
277 offender shall be required to register and to verify registration information pursuant to sections
278 178F1/2. Neighboring police districts shall share sex offender registration information of level 3
279 offenders and may inform the residents of their municipality of a sex offender they are likely to
280 encounter who resides in an adjacent city or town. The police or the board shall actively
281 disseminate in such time and manner as such police department or board deems reasonably
282 necessary the following information:

283 (i) the name of the sex offender;

284 (ii) the offender's home address and any secondary address;

285 (iii) the offender's work address;

286 (iv) the offense for which the offender was convicted or adjudicated and the date of the
287 conviction or adjudication;

288 (v) the sex offender's age, sex, race, height, weight, eye and hair color; and

289 (vi) a photograph of the sex offender; provided, that such active dissemination may
290 include publication of such information on the internet by the police department at such time and
291 in such manner as the police or the board deem reasonably necessary; and provided further, that
292 the police or the board shall not release information identifying the victim by name, address or
293 relation to the sex offender. All notices to the community shall include a warning regarding the
294 criminal penalties for use of sex offender registry information to commit a crime or to engage in
295 illegal discrimination or harassment of an offender and the punishment for threatening to commit
296 a crime under section 4 of chapter 275.

297 (vii) the name and address of the institution of higher learning that the sex offender is
298 attending.

299 The public shall have access to the information regarding a level 3 offender in accordance
300 with sections 178D, 178I and 178J.

301 If the board, in finally giving an offender a level 3 classification, also concludes that such
302 sex offender should be designated a sexually violent predator, the board shall transmit a report to
303 the sentencing court explaining the board's reasons for so recommending, including specific
304 identification of the sexually violent offense committed by such sex offender and the mental
305 abnormality from which he suffers. The report shall not be subject to judicial review under
306 section 178M. Upon receipt from the board of a report recommending that a sex offender be
307 designated a sexually violent predator, the sentencing court, after giving such sex offender an
308 opportunity to be heard and informing the sex offender of his right to have counsel appointed, if
309 he is deemed to be indigent in accordance with section 2 of chapter 211D, shall determine, by a
310 preponderance of the evidence, whether such sex offender is a sexually violent predator. An
311 attorney employed or retained by the board may make an appearance, subject to section 3 of
312 chapter 12, to defend the board's recommendation. The board shall be notified of the
313 determination. A determination that a sex offender should not be designated a sexually violent
314 predator shall not invalidate such sex offender's classification. Where the sentencing court
315 determines that such sex offender is a sexually violent predator, dissemination of the sexually
316 violent predator's registration data shall be in accordance with a level 3 community notification
317 plan; provided, however, that such dissemination shall include such sex offender's designation as
318 a sexually violent predator.

319 (d) The board may, upon making specific written findings that the circumstances of the
320 offense in conjunction with the offender's criminal history do not indicate a risk of reoffense or a
321 danger to the public and the reasons therefor, relieve such sex offender of any further obligation
322 to register, shall remove such sex offender's registration information from the registry and shall
323 so notify the police departments where said sex offender lives and works or if in custody intends
324 to live and work upon release, and where the offense was committed and the Federal Bureau of
325 Investigation. In making such determination the board shall consider factors, including but not
326 limited to, the presence or absence of any physical harm caused by the offense and whether the
327 offense involved consensual conduct between adults. The burden of proof shall be on the
328 offender to prove he comes within the provisions of this subsection. The provisions of this
329 subsection shall not apply if a sex offender has been determined to be a sexually violent predator;
330 has been convicted of two or more sex offenses defined as sex offenses pursuant to the Jacob
331 Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C.
332 section 14071, committed on different occasions; or has been convicted of a sexually violent
333 offense. The provisions of this subsection shall also not apply if a sex offender has been
334 convicted of a sex offense involving a child or a sexually violent offense, and such offender has
335 not already registered pursuant to this chapter for at least ten years, or if the sex offender is

336 otherwise subject to lifetime or minimum registration requirements as determined by the board
337 pursuant to section 178D.

338 (e) No sex offender classified as a level 3 offender shall knowingly and willingly
339 establish living conditions within, move to, or transfer to any convalescent or nursing home,
340 infirmary maintained in a town, rest home, charitable home for the aged or intermediate care
341 facility for the mentally retarded which meets the requirements of the department of public
342 health under section 71 of chapter 111. Any sex offender who violates this paragraph shall, for a
343 first conviction, be punished by imprisonment for not more than 30 days in a jail or house of
344 correction; for a second conviction, be punished by imprisonment for not more than 21/2 years in
345 a jail or house of correction nor more than 5 years in a state prison or by a fine of not more than
346 $1,000, or by both such fine and imprisonment; and for a third and subsequent conviction, be
347 punished by imprisonment in a state prison for not less than 5 years; provided, however, that the
348 sentence imposed for such third or subsequent conviction shall not be reduced to less than 5
349 years, nor suspended, nor shall any person sentenced herein be eligible for probation, parole,
350 work release or furlough, or receive any deduction from his sentence for good conduct until he
351 shall have served 5 years. Prosecutions commenced hereunder shall neither be continued without
352 a finding nor placed on file.

353 (3) The sex offender registry board shall make a determination regarding the level of risk
354 of reoffense and the degree of dangerousness posed to the public of each sex offender listed in
355 said sex offender registry and shall give immediate priority to those offenders who have been
356 convicted of a sex offense involving a child or convicted or adjudicated as a delinquent juvenile
357 or as a youthful offender by reason of a sexually violent offense or of a sex offense of indecent
358 assault and battery upon a mentally retarded person pursuant to section 13F of chapter 265, and
359 who have not been sentenced to incarceration for at least 90 days, followed, in order of priority,
360 by those sex offenders who (1) have been released from incarceration within the past 12 months,
361 (2) are currently on parole or probation supervision, and (3) are scheduled to be released from
362 incarceration within six months. All agencies shall cooperate in providing files to the sex
363 offender registry board and any information the sex offender registry board deems useful in
364 providing notice under sections 178C to 178P, inclusive, and in assessing the risk of reoffense
365 and the degree of dangerousness posed to the public by the sex offender. All agencies from
366 which registration data, including data within the control of providers under contract to such
367 agencies, is requested by the sex offender registry board shall make such data available to said
368 board immediately upon request. Failure to comply in good faith with such a request within 30
369 days shall be punishable by a fine of not more than $1,000 per day.

370 SECTION 6. Chapter 6 of the General Laws as appearing in the 2010 Official Edition, is
371 hereby amended by striking out section 178M in its entirety and inserting in place thereof the
372 following:—

373 Section 178M. An offender may seek judicial review, in accordance with section 14 of
374 chapter 30A, of the board's final classification and registration requirements. An attorney
375 employed or retained by the board may make an appearance, subject to section 3 of chapter 12,
376 to defend the board's decision. The court shall reach its final decision within 30 days of such sex
377 offender's petition for review. Sex offender information will remain public during the judicial
378 review.