

SENATE No. 859

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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

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

An Act relative to juveniles accused of sex offenses.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

SENATE No. 859

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 859) of William N. Brownsberger for legislation relative to juveniles accused of sex offenses. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to juveniles accused of sex offenses.

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

1 SECTION 1. Section 178C of chapter 6 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 42-44, inclusive, the words, “or who
3 has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex
4 offense”, and further by striking out in lines 45 to 46, inclusive, the words, “or custody with the
5 department of youth services for such conviction or adjudication”, and further by striking out in
6 line 85 the words, “adjudication or”, and further by striking out in lines 161 to 163, inclusive, the
7 words, “or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason
8 of a sexually violent offense”, and further by striking out 164 to 165, inclusive, the following, “,
9 or custody with the department of youth services for such conviction or adjudication”

10 SECTION 2. Section 178D of said chapter 6, as appearing in the 2016 Official Edition, is
11 hereby amended by striking out in lines 19 and 43 the words, “or adjudicated”, and further by
12 striking out in lines 20 and 44 the words, “or adjudication”

13 SECTION 3. Section 178E of said chapter 6, as appearing in the 2016 Official Edition, is
14 hereby amended by striking out in line 4 the following: - “, the department of youth services”,
15 and further by striking out in lines 30 to 34, inclusive, the sentence, “If such sex offender is a
16 juvenile at the time of such notification, notification shall also be mailed to such sex offender’s
17 legal guardian or agency having custody of the juvenile in the absence of a legal guardian and his
18 most recent attorney of record.”, and further by striking out in lines 90 to 92, inclusive, the
19 words, “or adjudication as a youthful offender or as a delinquent juvenile by reason of a sex
20 offense”, and further by striking out in lines 103 to 106, inclusive, the sentence , “If such sex
21 offender is a juvenile at the time of such adjudication, the legal guardian or agency having
22 custody of the juvenile and his most recent attorney of record shall also be required to
23 acknowledge, in writing, such information.”, and further by striking out in lines 134 to 135,
24 inclusive, the words, “or adjudication of delinquent or as a youthful offender”, and further by
25 striking out in lines 151 to 152, inclusive, the words, “or adjudicated as a youthful offender or as
26 a delinquent juvenile by reason of a sex offense”, and further by striking out in lines 261 to 264,
27 inclusive, the sentence, “If any such sex offender is a juvenile at the time of such notification,
28 notification shall also be mailed to such sex offender’s legal guardian or the agency having
29 custody of the juvenile in the absence of a legal guardian and his most recent attorney of record.”

30 SECTION 4. Section 178F of said chapter 6, as appearing in the 2016 Official Edition, is
31 hereby amended by striking out in lines 31 to 35, inclusive, the sentence, “If any such sex
32 offender is a juvenile at the time of such notification, notification shall also be mailed to such sex
33 offender’s legal guardian or the agency having custody of the juvenile in the absence of a legal
34 guardian and his most recent attorney of record.”

35 SECTION 5. Section 178F ½ of said chapter 6, as appearing in the 2016 Official Edition,
36 is hereby amended by striking out in lines 44 to 48, inclusive, the sentence, “If any such sex
37 offender is a juvenile at the time of such notification, notification shall also be mailed to such sex
38 offender’s legal guardian or the agency having custody of the juvenile in the absence of a legal
39 guardian and his most recent attorney of record.”

40 SECTION 6. Section 178G of said chapter 6, as appearing in the 2016 Official Edition, is
41 hereby amended by striking out in line 4 the words, “or adjudicated”, and further by striking out
42 in line 18 the following – “, adjudication”

43 SECTION 7. Section 178H of said chapter 6, as appearing in the 2016 Official Edition, is
44 hereby amended by striking out in lines 11 to 12, inclusive, the words, “adjudicated or”

45 SECTION 8. Section 178I of said chapter 6, as appearing in the 2016 Official Edition, is
46 hereby amended by striking out in line 10 the words, “or adjudicated”, and further by striking out
47 in line 11 the words, “or adjudications”

48 SECTION 9. Section 178J of said chapter 6, as appearing in the 2016 Official Edition, is
49 hereby amended by striking out in line 55 the words, “or adjudicated”, and further by striking out
50 in line 56 the words, “or adjudication”

51 SECTION 10. Section 178K of said chapter 6, as appearing in the 2016 Official Edition,
52 is hereby amended by striking out in line 12 the words, “including juvenile sex offenders”, and
53 further by striking out in lines 83 to 85, inclusive, the following: - ““(e) whether the sex offender
54 was a juvenile when he committed the offense, his response to treatment and subsequent criminal
55 history;” , and further by striking out in line 161 the words, “or adjudicated”, and by striking out

56 in line 162 the words, “or adjudication”, and further by striking out in lines 255 to 258, inclusive,
57 the words, “or adjudicated as a delinquent juvenile or as a youthful offender by reason”

58 SECTION 11. Section 178L of said chapter 6, as appearing in the 2016 Official Edition,
59 is hereby amended by striking out in lines 7 to 111, inclusive, the following: - “; provided,
60 however, that if the sex offender was a juvenile at the time of the offense, written approval must
61 be given by a board member who is a licensed psychologist or psychiatrist with special expertise
62 in the assessment and evaluation of juvenile sex offenders”, and further by striking out in lines
63 17 to 20, inclusive, and in lines 58 to 62, inclusive, the sentence, “If the sex offender is a juvenile
64 at the time of such notification, notification shall also be mailed to the sex offender’s legal
65 guardian or agency having custody of the juvenile in the absence of a legal guardian and his most
66 recent attorney of record.”, and further by striking out in line 44 the words, “or adjudication”,
67 and further by striking out in lines 97 to 99, inclusive, the sentence, “All offenders who are
68 juveniles at the time of notification shall be represented by counsel at the hearing.”