

HOUSE No. 1291

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to Level 3 sex offenders residing near schools..

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

1 Subsection (2) of section 178 K of chapter 6 of the General Laws, as amended by section
2 6 of chapter 303 of the acts of 2006, is hereby further amended by adding the following
3 paragraph:-

4 (f) No sex offender classified as a level 3 offender shall establish a residence within 1,000
5 feet of any elementary or high school. Any sex offender who violates this paragraph shall, for a
6 first conviction, be punished by imprisonment for not more than 30 days in a jail or house of
7 correction; for a second conviction, be punished by imprisonment for not more than 2 ½ years in
8 a jail or house of correction nor more than 5 years in a state prison or by a fine of not more than
9 \$1,000, or by both such fine and imprisonment; and for a third and subsequent conviction, be
10 punished by imprisonment in a state prison for not less than 5 years; provided, however, that the
11 sentence imposed for such third or subsequent conviction shall not be reduced to less than 5
12 years, nor suspended, nor shall any person sentenced herein be eligible for probation, parole,
13 work release or furlough, or receive any deduction from his sentence for good conduct until he

- 14 shall have served 5 years. Prosecutions commenced hereunder shall neither be continued
15 without a finding nor placed on file.