

HOUSE No. 2239

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the creation of a sex offender management board..

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

1 Chapter 6A is hereby amended by adding the following new sections:-

2 Section 18J Sex Offender Management Board.

3 SECTION 1. There is hereby created in the Executive Office of Public Safety, The
4 Massachusetts Sex Offender Management Board. The Board shall develop and prescribe an
5 evidence-based, standardized procedure for identification, evaluation, treatment and management
6 of adult and juvenile sex offenders in Massachusetts.

7 The members of the Board shall be the Secretary of Public Safety; the Attorney General
8 of the Commonwealth or designee; the Commissioner of Probation or designee; The
9 Commissioner of Corrections or designee; the Commissioner of the Department of Youth
10 Services or designee; the Commissioner of the Department of Children and Family or designee;
11 the Commissioner of the Department of Elementary and Secondary Education or designee; the
12 Chief Justice of the Trial Court or designee; the Chief Justice of the Juvenile Court or designee;
13 the Secretary of Executive Office of Health and Human Services or designee; a representative of

14 the Massachusetts District Attorney’s Association; a representative of the Massachusetts Chief of
15 Police Association; a representative of the Massachusetts Parole Board; a member of the
16 Massachusetts State Police; and Chief Counsel of the Committee for Public Counsel Services or
17 designee. Additionally, the governor shall appoint five persons; two representing victims
18 organizations one from the Massachusetts Children Alliance and one from Jane Doe, Inc; two
19 persons representing research/sex offender treatment and management organizations; one from
20 the Massachusetts Adolescent Sex Offender Coalition (MASOC), and one from the
21 Massachusetts Association for the Treatment of Sexual Abusers (MATSA). Members appointed
22 by the Governor shall serve for a term of four years. Appointees must have prior proven
23 experience working with these populations. Additionally, advisors may be asked to provide
24 information and data to the board, especially as they relate to the current research and evidence-
25 based practice for working with adults and with juvenile sex offenders.

26 SECTION 2. Adult Sex Offenders

27 Within 12 months from creation of the board, the Board shall develop an evidence-based,
28 standardized procedure for the risk assessment and identification of adult sex offenders and
29 recommend behavior management, monitoring, and treatment for adult sex offenders. The Board
30 shall develop and implement methods of intervention for adult sex offenders which have as a
31 priority the physical and psychological safety of victims and potential victims and which are
32 appropriate to the needs of the particular adult sex offender, so long as there is no reduction of
33 the safety of victims and potential victims. Said Board shall report its findings to the Governor
34 and the General Court, along with any needed legislative recommendations. Every 12 months
35 thereafter a report shall be issued.

36 Within 24 months from creation of the board, all agencies, including the judicial branch,
37 shall implement guidelines and standards established by the Board for a system of programs for
38 the treatment and management of adult sex offenders that can be applied to offenders who are
39 placed on probation, incarcerated with the Department of Corrections, placed on parole, or
40 placed in community corrections. The programs developed shall be as flexible as possible so that
41 such programs may be applied to each adult offender to prevent the offender from harming
42 victims and potential victims. Such programs shall be structured in such a manner that the
43 programs provide a continuing monitoring process, as well as a continuum of treatment programs
44 for each offender as that offender proceeds through the criminal justice system and may include,
45 but shall not be limited to, evidence-based risk assessment, treatment (e.g., group counseling,
46 individual counseling, outpatient treatment, inpatient treatment, or treatment in a therapeutic
47 community), and the management and containment of adult sex offenders. Also, such programs
48 shall be developed in such a manner that, to the extent possible, the programs may be accessed
49 by all adult sex offenders in the criminal justice system.

50 The Board shall consult on, approve, and revise as necessary the evidence-based risk
51 assessment screening instrument developed by the Executive Office of Public Safety to assist the
52 sentencing court in determining the likelihood that an offender will commit one or more of the
53 sex offenses specified in the law.. In carrying out this duty, the board shall consider sex offender
54 risk assessment research.

55 It shall be the duty of the Board to research and analyze the effectiveness of the risk
56 assessment, identification, and treatment and management/containment procedures and programs
57 developed. The Board shall also develop and prescribe a system for implementation of the
58 guidelines and standards developed for tracking adult sex offenders who have been subjected to

59 evidence-based risk assessment, identification, treatment, and management/containment pursuant
60 to this article. In addition, the Board shall develop a system for monitoring adult sex offender
61 behaviors and adult sex offender adherence to prescribed behavioral and medical interventions.
62 The results of such tracking, behavioral, and medical monitoring shall be a part of any analysis
63 reported.

64 Within 36 months from creation of said Board, in collaboration with the Department of
65 Corrections, the Judicial Department, and the state Parole Board, the Board shall develop and
66 implement criteria for measuring an adult sex offender's progress in treatment. Such criteria shall
67 assist the court and the state Parole Board in determining whether a sex offender may
68 appropriately be released from incarceration or, whether the sex offender's level of supervision
69 may be reduced, or whether the sex offender may appropriately be discharged from probation or
70 parole. At a minimum, the criteria shall be designed to assist the court and the state Parole Board
71 in determining whether the sex offender would pose an undue threat to the community if he or
72 she were released from incarceration, released to a reduced level of supervision, or discharged
73 from probation or parole. The criteria shall not limit the decision-making authority of the court or
74 the state board of parole.

75 SECTION 3. Juvenile Sex Offenders

76 Within xx months from creation of said Board, the Board shall develop and prescribe an
77 evidence-based standardized procedure for the assessment, identification, treatment and
78 management of juvenile sex offenders. Such procedure shall provide for an assessment and
79 identification of the juvenile offender and recommend behavior management, monitoring,
80 treatment, and compliance. The Board shall develop methods of intervention for juvenile sex

81 offenders that have as a priority the physical and psychological safety of victims and potential
82 victims and that are appropriate to the needs of the particular juvenile sex offender so long as
83 there is no known reduction of the safety of victims and potential victims.

84 The Board shall develop and implement guidelines and standards for a system of
85 programs for the treatment and management of juvenile sex offenders that may be utilized for
86 juvenile sex offenders who are placed on probation, committed to the Department of Youth
87 Services, to the department of children and family, placed on parole, provided evaluation and/or
88 treatment services by the Department of Children and Family Services, or enrolled in an out-of-
89 home placement or in family therapy. The programs developed pursuant to this paragraph shall
90 be as flexible as possible so that such programs may be utilized by each juvenile sex offender to
91 prevent him or her from harming victims and potential victims. Such programs shall be
92 structured to provide a continuing monitoring process, as well as a continuum of treatment
93 programs for each juvenile sex offender as he or she proceeds through the juvenile justice or
94 social services system and may include, but shall not be limited to, group counseling, individual
95 counseling, family therapy, outpatient treatment, inpatient treatment, or treatment in a
96 therapeutic community. Such programs shall be developed in such a manner that, to the extent
97 possible, the programs may be accessed by all juvenile sex offenders in the juvenile justice or
98 social services system.

99 Within 12 months from creation, the Board shall develop and implement a system by
100 which progress and success in treatment of juvenile sex offenders may be measured.

101 Within 24 months from creation, the Board shall research and analyze the effectiveness
102 of the evaluation, identification, treatment and management procedures and programs for

103 juvenile sex offenders. The Board shall also develop and prescribe a system for implementation
104 of the guidelines and standards developed for tracking juvenile sex offenders who have been
105 subjected to an evidence-based model of risk assessment, identification, treatment, and/or
106 management of juvenile sex offenders. In addition, the Board shall develop a system for
107 monitoring offender behaviors and offender adherence to prescribed behavioral changes and
108 medical treatment interventions. The results of such tracking and behavioral and medical
109 monitoring shall be a part of any analysis made pursuant to this paragraph.

110 Within 36 months from creation, the Board, in collaboration with law enforcement
111 agencies, victim advocacy organizations, the Department of Education, the Department of Public
112 Health, and the Department of Public Safety, shall develop for use by schools, educational
113 materials and policies regarding general information about preventing sexual violence, adult and
114 juvenile sex offenders, safety concerns related to adult and juvenile sex offenders, and other
115 relevant materials. The Board shall also consider how to provide educational opportunities for
116 juvenile sex offenders in the school system. The Board shall provide a statement and materials to
117 the Department of Elementary and Secondary Education, and the Department of Elementary and
118 Secondary Education shall make the statement and materials available to schools in the state.

119 The Board and the individual members thereof shall be immune from any liability,
120 whether civil or criminal, for the good faith performance of the duties of the Board as specified
121 in this section. In addition, as the board deems necessary and appropriate, it may exempt itself
122 from the open meeting law.

123 Funds for evidence-based evaluation, identification, treatment, and continued monitoring
124 pursuant to this section shall be subject to appropriation. Upon statewide implementation of the

125 guidelines said Board shall consult on, approve, and revise as necessary the guidelines developed
126 for both adult and juvenile sex offenders consistent with the latest research findings.