

**HOUSE . . . . . No. 3471**

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A message from His Excellency the Governor recommending legislation relative to bringing the Massachusetts Sex Offender Registry into compliance with the requirements of the Federal Sex Offender Registration and Notification Act.

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**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Eleven**  
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An Act to bring the Massachusetts Sex Offender Registry into compliance with the requirements of the federal Sex Offender Registration and Notification Act.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith the public from sexual offenders, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public [Emergency Preamble Context].

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

1           May 26, 2011

2           To the Honorable Senate and House of Representatives:

3

4           I respectfully submit for your consideration “An Act to Bring the Massachusetts Sex  
5 Offender Registry into Compliance with the Requirements of the Federal Sex Offender  
6 Registration and Notification Act.”

7 Title I of the federal Adam Walsh Child Protection and Safety Act of 2006, the Sex  
8 Offender Registration and Notification Act, or “SORNA,” seeks to establish a uniform national  
9 sex offender database by setting forth numerous requirements that all state sex offender registries  
10 must meet. The SORNA requirements will strengthen the Commonwealth’s sex offender  
11 registry statute and, in turn, better protect the public by more quickly identifying changes in sex  
12 offender registration information and communicating that information to law enforcement and  
13 the public. In addition, failure to substantially implement SORNA by July 27, 2011, will subject  
14 the Commonwealth to forfeiture of 10% of its federal Byrne/Justice Assistance Grant funds.

15 The Massachusetts Executive Office of Public Safety and Security and the Sex Offender  
16 Registry Board, in consultation with the Massachusetts Attorney General’s office, have been  
17 working closely with the federal Sex Offender Sentencing, Monitoring, Apprehending,  
18 Registering and Tracking (SMART) office within the U.S. Department of Justice for the last year  
19 to develop legislation that would bring Massachusetts into compliance with SORNA. Under a  
20 provision of SORNA that honors state constitutional decisions, the SMART office has excused  
21 Massachusetts from implementing a number of SORNA requirements that run afoul of the  
22 Massachusetts Declaration of Rights, as construed by decisions of the Supreme Judicial Court.  
23 The bill I am submitting includes the content that the SMART office would require in order to  
24 find that Massachusetts has substantially implemented SORNA’s requirements.

25 To improve public safety and prevent the federal financial penalties for failure to comply  
26 with SORNA, I urge your prompt action on this bill.

27 Sincerely,

28 DEVAL PATRICK

29 SECTION 1. The general court hereby finds that: (1) the danger of recidivism posed by  
30 sex offenders to be grave and that the protection of the public from sex offenders is of paramount  
31 interest to the government; (2) given the use of the internet and high-speed travel, sex offenders  
32 can quickly and easily victimize the public from great distances or enter and leave the  
33 commonwealth in a matter of hours to victimize the public; (3) because of their mobility, sex  
34 offenders can avoid sex offender registration by constantly moving to different cities and towns  
35 within the commonwealth and to and from other jurisdictions; (4) to best protect the public from  
36 sex offenders, jurisdictions across the nation should freely share their information about their  
37 registered sex offenders so that all jurisdictions can quickly identify sex offenders and notify the  
38 public about their presence in communities in the commonwealth and across the nation; (5) to  
39 protect the citizens of the commonwealth from sex offenders from other jurisdictions, law  
40 enforcement agencies and the public need the ability to quickly and easily obtain information  
41 identifying sex offenders from other jurisdictions; (6) because there is great diversity among the  
42 systems in each jurisdiction regarding registering sex offenders, what information is maintained  
43 about each sex offender, and what information is disseminated to law enforcement agencies and  
44 the public, Congress enacted the Sex Offender Registration and Notification Act, 42 U.S.C. §§  
45 16911 – 16929, to create a national system that would establish uniformity in the registration of  
46 sex offenders, the maintenance of information about sex offenders, and law enforcement and the  
47 public's access to sex offenders' information so that the commonwealth and other jurisdictions  
48 can effectively and efficiently obtain and share information about all sex offenders throughout  
49 the nation; (7) the commonwealth's failure to comply with the federal Sex Offender Registration  
50 and Notification Act will result in a 10 percent reduction of funds allocated to the  
51 commonwealth from the federal Edward Byrne memorial state and local law enforcement

52 assistance program, 42 U.S.C. § 3750; (8) to protect the health and safety of the citizens of the  
53 commonwealth and the nation, and to provide law enforcement agencies with greater access to  
54 information about convicted sex offenders to allow them to solve crimes and protect the public,  
55 the commonwealth should bring its sex offender registration statute into compliance with the  
56 requirements of the federal Sex Offender Registration and Notification Act and participate in the  
57 national system created by this act.

58 SECTION 2. Chapter 6 of the General Laws is hereby amended by striking out sections  
59 178C to 178Q, inclusive, as appearing in the 2010 Official Edition, and inserting in place thereof  
60 the following 15 sections:-

61 Section 178C. Definitions

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

64 “Agency”, the department of correction, any county correctional facility, any federal  
65 correction facility, the department of youth services, the department of children and families, the  
66 parole board, the office of the commissioner of probation, the department of mental health, the  
67 department of developmental services and the trial court including any program providing  
68 administrative, security, treatment or rehabilitation services to sex offenders of any agency,  
69 whether the program is conducted under a contract with a private entity or otherwise.

70 Notwithstanding any general or special law to the contrary, each agency shall be authorized to  
71 receive criminal offender record information and juvenile record information maintained by the  
72 department of criminal justice information services for the purpose of identifying sex offenders  
73 or concerning sex offenders in the care and custody of an agency.

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

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

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

90 “Custody”, shall include (a) confinement in any secure building, enclosure, space or  
91 structure for the jailing, incarceration, control, and rehabilitation of committed or convicted sex  
92 offenders operated by the department of correction, any county correctional facility or any  
93 federal correctional facility at which the sex offender so confined has no ability to live, work, or  
94 attend school in the community or (b) confinement or commitment in accordance to law to a  
95 secure building, enclosure, space or structure at which the sex offender so committed has no

96 ability to live, work, or attend school in the community and which is operated by the department  
97 of youth services, department of mental health or the department of developmental services.

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

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

107

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

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

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

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

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

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

121 (1) the names, aliases, primary or given names, nicknames, pseudonyms, internet  
122 identifiers, and ethnic or tribal names by which the sex offender is commonly known;

123 (2) the sex offender’s telephone numbers, including fixed location and mobile phones;

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

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

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

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

136 (7) the sex offender’s vehicle information;

- 137 (8) a copy of the sex offender’s professional licensing information;
- 138 (9) a copy of the sex offender’s passport, visa, and any travel documents,, and if the  
139 offender is an alien, any documents establishing the immigration status of the offender;
- 140 (b) the agency which has custody of the sex offender or the local police department to:
- 141 (1) obtain the sex offender’s: date of birth, sex, race, height, weight, eye color, hair color,  
142 scars, marks, tattoos, photograph, fingerprints and palm prints;
- 143 (2) confirm that a copy of the sex offender’s driver’s license or identification card is  
144 included in the sex offender registry;
- 145 (3) confirm that the sex offender’s DNA sample has been collected for analysis in the  
146 Combined DNA Index System as required under chapter 22E; and
- 147 (4) confirm that all registration information has been entered accurately and completely  
148 into the sex offender registry.
- 149 “Registration information”,
- 150 (a) the names, aliases, primary or given names, nicknames, pseudonyms, internet  
151 identifiers, and ethnic or tribal names by which the sex offender is commonly known;
- 152 (b) the sex offender’s telephone numbers, including fixed location and mobile phones;
- 153 (c) the sex offender’s social security number;
- 154 (d) the sex offender’s residential address or intended residential address, any secondary  
155 addresses or intended secondary addresses, temporary lodging information, and if the sex



156 offender is homeless, the homeless shelters and the geographical locations, including districts,  
157 neighborhoods, sections and villages within cities and towns, in which the sex offender  
158 habitually lives;

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

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

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

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

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

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

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

172 (l) a current photograph of a sex offender;

173 (m) the statutory citation and text of the sex offense which gives rise to the sex offender's  
174 obligation to register, the sentence imposed, the city or town where the offense occurred, the date

175 of conviction, and the ages of the victim and the sex offender at the time of the sex offense, as  
176 provided by the board;

177 (n) the sex offender’s criminal history, as provided by the board;

178 (o) the sex offender’s fingerprints and palm prints; and

179 (p) a DNA profile of the sex offender.

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

184 “School”, any public or private educational institution including any secondary, trade,  
185 vocational or professional institution, or any institution of higher learning.

186 “Second and subsequent conviction”, the later of 2 or more separate convictions. Multiple  
187 convictions resulting from a single act shall be treated as a single conviction, but arraignments  
188 occurring on the same date and resulting in multiple convictions shall be presumed to be the  
189 result of separate acts.

190 “Secondary addresses” or “Temporary Lodging Information”, the addresses of all places  
191 where a sex offender lives, abides, lodges, or stays for a period of 7 or more days in the  
192 aggregate during any calendar year and which is not a sex offender’s primary address; or a place  
193 where a sex offender routinely lives, abides, lodges, or resides for a period of 4 or more  
194 consecutive or nonconsecutive days in any month and which is not a sex offender’s permanent

195 address, including any out-of-state addresses and identifying the place and the period of time the  
196 sex offender is staying there.

197 “Sex offender”, any person who resides, has secondary address(es), works or is enrolled  
198 in school in the commonwealth and who at any time:

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

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

203

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

206 “Sex offender registry”, the collected registration information and data that is received by  
207 the sex offender registry board under sections 178C to 178Q, inclusive, as the registration  
208 information and data is modified or amended by the sex offender registry board, authorized  
209 agency or a court of competent jurisdiction under sections 178C to 178Q, inclusive.

210 “Sex offense”, an indecent assault and battery on a child under the age of 14 under  
211 section 13B of chapter 265; aggravated indecent assault and battery on a child under the age of  
212 14 under section 13B1/2 of chapter 265; a repeat offense under section 13B3/4 of chapter 265;  
213 indecent assault and battery on a person with an intellectual disability under section 13F of  
214 chapter 265; indecent assault and battery on a person age 14 or over under section 13H of  
215 chapter 265; rape under section 22 of chapter 265; rape of a child under the age of 16 with force

216 under section 22A of chapter 265; aggravated rape of a child under the age of 16 with force  
217 under section 22B of chapter 265; a repeat offense under section 22C of chapter 265; rape and  
218 abuse of a child under section 23 of chapter 265; aggravated rape and abuse of a child under  
219 section 23A of chapter 265; a repeat offense under section 23B of chapter 265; assault with  
220 intent to commit rape under section 24 of chapter 265; assault of a child with intent to commit  
221 rape under section 24B of chapter 265; kidnapping of a child under the age of 16 under section  
222 26 of chapter 265; enticing a child under the age of 16 for the purposes of committing a crime  
223 under section 26C of chapter 265; enticing away a person for prostitution or sexual intercourse  
224 under section 2 of chapter 272; drugging persons for sexual intercourse under section 3 of  
225 chapter 272; inducing a minor into prostitution under section 4A of chapter 272; living off or  
226 sharing earnings of a minor prostitute under section 4B of chapter 272; inducing person under  
227 the age of 18 to have sexual intercourse under section 4 of chapter 272; second and subsequent  
228 adjudication or conviction for open and gross lewdness and lascivious behavior under section 16  
229 of chapter 272, but excluding a first or single adjudication as a delinquent juvenile before August  
230 1, 1992; incestuous marriage or intercourse under section 17 of chapter 272; disseminating to a  
231 minor matter harmful to a minor under section 28 of chapter 272; posing or exhibiting a child in  
232 a state of nudity under section 29A of chapter 272; dissemination of visual material of a child in  
233 a state of nudity or sexual conduct under section 29B of chapter 272; possession of child  
234 pornography under section 29C of chapter 272; unnatural and lascivious acts with a child under  
235 the age of 16 under section 35A of chapter 272; electronically surveilling partially nude or nude  
236 person under section 105 of chapter 272; engaging in sexual conduct for a fee with child under  
237 the age of 14 under section 53A of chapter 272; aggravated rape under section 39 of chapter  
238 277; any attempt to commit a violation of any of the aforementioned sections under section 6 of

239 chapter 274; any conspiracy to commit a violation of any of the aforementioned sections under  
240 section 7 of chapter 274; accessory to any of the aforementioned sections; or a like violation of  
241 the laws of another jurisdiction, the United States or a military, territorial or Indian tribal  
242 authority, the nations of Canada, United Kingdom, Australia, New Zealand, or any other country  
243 the United States State Department, in its Country Reports on Human Rights Practices, has  
244 concluded had an independent judiciary that generally enforced the right to a fair trial during the  
245 year in which the convictions occurred.

246 “Sex offense involving a child”, an indecent assault and battery on a child under the age  
247 of 14 under section 13B of chapter 265; aggravated indecent assault and battery on a child under  
248 the age of 14 under section 13B1/2 of chapter 265; a repeat offense under section 13B3/4 of  
249 chapter 265; rape of a child under the age of 16 with force under section 22A of chapter 265;  
250 aggravated rape of a child under the age of 16 with force under section 22B of chapter 265; a  
251 repeat offense under section 22C of chapter 265; rape and abuse of a child under section 23 of  
252 chapter 265; aggravated rape and abuse of a child under section 23A of chapter 265; a repeat  
253 offense under section 23B of chapter 265; assault of a child with intent to commit rape under  
254 section 24B of chapter 265; enticing a child under the age of 16 for the purposes of committing a  
255 crime under section 26C of chapter 265; inducing person under the age of 18 to have sexual  
256 intercourse under section 4 of chapter 272; inducing a minor into prostitution under section 4A  
257 of chapter 272; living off or sharing earnings of a minor prostitute under section 4B of chapter  
258 272; disseminating to a minor matter harmful to a minor under section 28 of chapter 272; posing  
259 or exhibiting a child in a state of nudity under section 29A of chapter 272; dissemination of  
260 visual material of a child in a state of nudity or sexual conduct under section 29B of chapter 272;  
261 possession of child pornography under section 29C of chapter 272; unnatural and lascivious acts

262 with a child under the age of 16 under section 35A of chapter 272; engaging in sexual conduct  
263 with child under the age of 14 for a fee under section 53A of chapter 272; aggravated rape under  
264 section 39 of chapter 277; any enumerated sex offense where the victim is a minor; any attempt  
265 to commit a violation of any of the aforementioned sections under section 6 of chapter 274; any  
266 conspiracy to commit a violation of any of the aforementioned sections under section 7 of  
267 chapter 274; accessory to any of the aforementioned sections;; or a like violation of the laws of  
268 another state, the United States or a military, territorial or Indian tribal authority.

269 “Sexually violent offense”, indecent assault and battery on a child under 14 under section  
270 13B of chapter 265; aggravated indecent assault and battery on a child under the age of 14 under  
271 section 13B1/2 of chapter 265; a repeat offense under section 13B3/4 of chapter 265; indecent  
272 assault and battery on a person with an intellectual disability under section 13F of chapter 265;  
273 rape under section 22 of chapter 265; rape and abuse of a child under section 23 of chapter 265;  
274 rape of a child under 16 with force under section 22A of chapter 265; aggravated rape of a child  
275 under 16 with force under section 22B of chapter 265; a repeat offense under section 22C of  
276 chapter 265; aggravated rape and abuse of a child under section 23A of chapter 265; a repeat  
277 offense under section 23B of chapter 265; assault with intent to commit rape under section 24 of  
278 chapter 265; assault of a child with intent to commit rape under section 24B of chapter 265;  
279 kidnapping of a child under the age of 16 under section 26 of chapter 265; drugging persons for  
280 sexual intercourse under section 3 of chapter 272; unnatural and lascivious acts with a child  
281 under 16 under section 35A of chapter 272; aggravated rape under section 39 of chapter 277; any  
282 attempt to commit a violation of any of the aforementioned sections under section 6 of chapter  
283 274; any conspiracy to commit a violation of any of the aforementioned sections under section 7  
284 of chapter 274; accessory to any of the aforementioned sections; or a like violation of the law of

285 another state, the United States or a military, territorial or Indian tribal authority, or any other  
286 offense that the sex offender registry board determines to be a sexually violent offense.

287 “Sexually violent predator”, a person who has been convicted of a sexually violent  
288 offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason  
289 of a sexually violent offense, or a person released from incarceration, parole, probation  
290 supervision or commitment under chapter 123A or custody with the department of youth services  
291 for a conviction or adjudication, and who suffers from a mental abnormality or personality  
292 disorder that makes the person likely to engage in sexually violent offenses.

293 “Supervision”, includes the exercise of oversight, control or management over a sex  
294 offender living in, working, or attending school in the community, by the department of  
295 correction, any county correctional facility, any federal correctional facility, the department of  
296 youth services, the parole board, the office of the commissioner of probation, the department of  
297 mental health or the department of developmental services.

298 “Student”, any person who enrolls, on a full-time or part-time basis, in any public or  
299 private educational institution including a secondary school, trade, vocational or professional  
300 institution, or a post-secondary institution of higher learning.

301 “Updating registration information”, as required by section 178E, the act of a sex  
302 offender (a) appearing in person at the appropriate local police department to update or report a  
303 change in the sex offender’s names, aliases, primary or given names, nicknames, pseudonyms,  
304 internet identifiers, and ethnic or tribal names by which the sex offender is commonly known,  
305 home address, secondary addresses, employment status, employer’s names and addresses, school  
306 status, school name and address, and the police department updating the sex offender’s

307 photograph and (b) submitting in writing to the police department or the sex offender registry  
308 board any updates or changes to the sex offender's remaining registration information, as defined  
309 in this section.

310 "Vehicle information", data that identifies all the vehicles the sex offender owns or  
311 routinely operates for personal use or in the course of his employment including: the license  
312 plate numbers or other numbers or identifiers affixed to the vehicles; the type, year, make, and  
313 model of the vehicles; and the locations where the vehicles are garaged, docked, or otherwise  
314 kept. "Vehicle" includes any device propelled or drawn by mechanical power upon or by which  
315 any person or property is or may be transported or drawn upon a highway, waterway, or airway.

316 "Verifying registration information", as required by section 178E, the act of a sex  
317 offender appearing in person at the specified period of time at the appropriate police department  
318 in the city or town where the sex offender resides, or if the sex offender does not reside in the  
319 commonwealth, in the city or town where the sex offender has a secondary address, works or is  
320 enrolled in school to confirm that his registration information remains true and accurate and the  
321 police department updates the sex offender's photograph.

322 Section 178D. Sex offender registry

323 The sex offender registry board, known as the board, in cooperation with the department  
324 of criminal justice information services, shall establish and maintain a central computerized  
325 registry of all sex offenders required to register under sections 178C to 178Q, inclusive, known  
326 as the sex offender registry. The sex offender registry shall be updated based on information  
327 made available to the board, including information acquired under the registration provisions of



328 sections 178C to 178Q, inclusive. The file on each sex offender required to register under  
329 sections 178C to 178Q, inclusive, shall include the sex offender's registration information and:

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

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

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

336 (d) the sex offender's level of risk of reoffense and degree of dangerousness, as  
337 established under sections 178K and 178L.

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

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

344 The information contained in the registry shall be obtained from offenders when they  
345 register as sex offenders and when they verify and update their registration information; from  
346 agencies having custody or supervision of sex offenders; and city and town police departments  
347 responsible for registering sex offenders and verifying and updating sex offenders' registration  
348 information. The sex offender registry board shall maintain all registration information in a

349 digitized form that is compatible with the registry management and web site software developed  
350 by the United States Department of Justice under 42 U.S.C. § 16923. The board may maintain  
351 registration information in a digitized form by having links or identification numbers that  
352 provide access to registration information contained in other computerized databases maintained  
353 by the state police for palm print, fingerprint, and DNA information; the registry of motor  
354 vehicles for license and vehicle information; the department of criminal justice information  
355 services for criminal history information; the division of professional licensure for professional  
356 license information; and any other agency which is responsible for compiling and maintaining  
357 information required of sex offenders under sections 178C to 178Q.

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

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

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

366

367           (b) Initial registration. Within 3 business days of sentencing of any sex offender required  
368 to register under sections 178C to 178Q, inclusive, the agency receiving custody or supervision  
369 of the sex offender shall transmit to the board the sex offender's registration information, the  
370 mittimus, and the projected maximum release date and the earliest possible release date for the

371 sex offender. All custodial and supervisory agencies shall inform the board immediately of any  
372 transfers of sex offenders so that the board knows at all times where the sex offender is located  
373 prior to his release from custody or supervision.

374

375 (1) Sex offenders in custody. If a sex offender is to be released from the  
376 custody of any county, state or federal correctional facility, department of youth services,  
377 department of mental health or department of development services, the agency that has custody  
378 of the sex offender shall, or in the case of federal correctional facility may, provide written notice  
379 to the sex offender and the sex offender shall acknowledge in writing, his duty to register in the  
380 commonwealth and in any other jurisdiction where he resides, has a secondary address, is  
381 employed or enrolled in school; his duty to verify and update his registration information and the  
382 penalties for failing to do so and for giving false registration information; and of his right to  
383 submit to the board documentary evidence relative to his risk of reoffense and the degree of  
384 dangerousness posed to the public in accordance with section 178L. If the sex offender is a  
385 minor or has been deemed by a court to be incompetent at the time of notification, the  
386 notification shall also be mailed to the sex offender's legal guardian or agency having custody of  
387 the person in the absence of a legal guardian and his most recent attorney of record. The agency  
388 shall transmit the sex offender's written acknowledgment to the board within 10 days of receipt  
389 of the acknowledgment. No later than 30 days prior to the sex offender's release from custody,  
390 the agency that has custody of the offender shall obtain the sex offender's registration  
391 information and shall verify that it is true and accurate. Upon verifying the sex offender's  
392 registration information and at least 10 days before the sex offender is released from custody, the  
393 agency that has custody of the offender shall register the sex offender by entering the registration

394 information into the sex offender registry and shall electronically transmit the sex offender's  
395 registration information to the board. No sex offender shall be released from custody unless  
396 registration has been completed. Within 3 days after the sex offender's release from custody, the  
397 sex offender shall appear in person at the police department of the city or town in which the sex  
398 offender resides, or if the offender does not reside in the commonwealth, in the city or town in  
399 which he has a secondary address, works or is enrolled in school in the commonwealth, to verify  
400 that the registration information remains true and accurate, or to change the registration  
401 information provided prior to release from custody.

402

403 (2) Sex offender not in custody; subject to community supervision. If the court does  
404 not sentence the sex offender to confinement to a county, state or federal correctional facility, or  
405 does not order custody by the department of youth services, department of mental health or  
406 department of developmental services, the agency that has supervision of the sex offender shall,  
407 upon assuming supervision of the sex offender, immediately provide written notice to the sex  
408 offender, and the sex offender shall acknowledge in writing, his duty to register in the  
409 commonwealth and in any other jurisdiction where he resides, has a secondary address, is  
410 employed or enrolled in school; his duty to verify and update his registration information and the  
411 penalties for failure to do so and for giving false registration information; and of his right to  
412 submit to the board documentary evidence relative to his risk of reoffense and the degree of  
413 dangerousness posed to the public in accordance with section 178L. If the sex offender is a  
414 minor or has been deemed by a court to be incompetent at the time of notification, the  
415 notification shall also be mailed to such sex offender's legal guardian or agency having custody  
416 of the person in the absence of a legal guardian and his most recent attorney of record. The

417 agency shall transmit the sex offender's written acknowledgment to the board within 2 days of  
418 receipt of the acknowledgment. Within 3 days of sentencing, the sex offender shall appear in  
419 person and register as a sex offender at the police department in the city or town where the sex  
420 offender resides, or if the sex offender does not reside in the commonwealth, in the city or town  
421 where the sex offender has a secondary address, works, or is enrolled in school. The police  
422 department shall enter the registration information into the sex offender registry and  
423 electronically transmit the sex offender's registration information to the board.

424           (3) Sex offender not in custody or being supervised. Any court which enters a  
425 conviction for a sex offense, but does not impose a sentence of confinement or supervision, or  
426 order of custody, or otherwise orders the immediate discharge of a sex offender from the custody  
427 of any of the county, state or federal correctional facilities, department of youth services,  
428 department of mental health or the department of developmental services shall, or in the case of  
429 federal court may, provide written notice to the sex offender, and the sex offender shall  
430 acknowledge in writing, his duty to register in the commonwealth and in any other jurisdiction  
431 where he resides, has a secondary address, works or is enrolled in school; his duty to verify and  
432 update his registration information and the penalties for failure to do so and for giving false  
433 registration information; and of his right to submit to the board documentary evidence relative to  
434 his risk of reoffense and the degree of dangerousness posed to the public in accordance with  
435 section 178L. Within 2 business days of sentencing, the clerk of the court shall transmit the sex  
436 offender's written acknowledgment to the board along with the sex offender's registration  
437 information. Within 3 days of receiving notice or of release from confinement or custody from  
438 the court, whichever is later, the offender shall appear in person to register as a sex offender at  
439 the police department in the city or town where the sex offender resides, or if the sex offender

440 does not reside in the commonwealth, in the city or town where the sex offender has a secondary  
441 address, works, or is enrolled in school. The police department shall enter the registration  
442 information into the sex offender registry and electronically transmit the sex offender's  
443 registration information to the board.

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

445

446 (i) A sex offender from another jurisdiction or country who enters the  
447 commonwealth to reside, establish a secondary address, work, or enroll in school shall, within 3  
448 days of entering the commonwealth, appear in person to register as a sex offender at the police  
449 department in the city or town where the sex offender resides, or if the sex offender does not  
450 reside in the commonwealth, in the city or town where the sex offender has a secondary address,  
451 works or is enrolled in school. The police department shall provide written notice to the sex  
452 offender, and the sex offender shall acknowledge in writing, his duty to register in the  
453 commonwealth and in any other jurisdiction where he resides, has a secondary address, works or  
454 is enrolled in school; his duty to verify and update his registration information and the penalties  
455 for failure to do so and for giving false registration information; and of his right to submit to the  
456 board documentary evidence relative to his risk of reoffense and the degree of dangerousness  
457 posed to the public in accordance with section 178L. The police department shall enter the  
458 registration information into the sex offender registry and electronically transmit the sex  
459 offender's registration information to the board.

460 (ii) If the board is notified by another jurisdiction that a sex offender is  
461 expected to commence residence, establish a secondary address, employment, or school

462 attendance in the commonwealth, but the sex offender fails to appear to register as required in  
463 subsection (i), the board shall notify that jurisdiction that the sex offender failed to appear in the  
464 commonwealth.

465 (5) Retroactive Application.

466 (i) Any sex offender who was required to register under sections 178C to  
467 178Q in effect prior to July 27, 2011 and was relieved of that obligation to register by the court  
468 or the board or had his obligation to register terminated under section 178G prior to July 27,  
469 2011, is not required to register except that if the sex offender is convicted of a felony or a sex  
470 offense, the sex offender will be required to register under this section.

471 (ii) Any sex offender who was required to register under sections 178C to  
472 178Q in effect before July 27, 2011 because he was adjudicated a youthful offender or  
473 delinquent juvenile for a sex offense and was relieved of his obligation to register by the court or  
474 the board under section 178E or whose obligation to register was terminated under section 178G  
475 before July 27, 2011 is not required to register, except that if the sex offender is convicted of a  
476 felony or a sex offense, the sex offender will be required to register under this section.

477 (c) Verification of Registration Information.

478 (1) Act of verifying registration information. Any sex offender required to  
479 register as a sex offender under this section shall verify his registration information in person  
480 with the police department in the city or town where the sex offender resides, or if the sex  
481 offender does not reside in the commonwealth, in the city or town where the sex offender has a  
482 secondary address, works or is enrolled in school. The sex offender shall review his registration  
483 information, confirm that it is true and accurate and provide any changes and updates to his

484 registration information since his initial registration or since he last verified his registration  
485 information. The police department shall enter the verified registration information into the sex  
486 offender registry and electronically transmit the sex offender's registration information to the  
487 board. The police department shall provide written notice to the sex offender, and the sex  
488 offender shall acknowledge in writing, his duty to register in the commonwealth and in any  
489 jurisdiction where he resides, works or is enrolled in school; to verify registration information; to  
490 update registration information within the commonwealth and in any other jurisdiction; the  
491 penalties for failure to do so and for giving false registration information; and the next date the  
492 sex offender is required to appear in person to verify his registration information.

493         (2) Frequency of verifying registration information. Sex offenders finally classified  
494 as level 1 under sections 178K and 178L shall verify their registration information in person  
495 once each year in the month of their birth, with the exception of finally classified level 1 sex  
496 offenders who are under the age of 18 at the time of registration. These offenders shall verify  
497 their registration information by mail once each year in the month of their birth until the age of  
498 18. Sex offenders finally classified as level 2 under sections 178K and 178L shall verify their  
499 registration information in person twice each year, in 6 month intervals commencing on the  
500 month of their birth. Sex offenders finally classified as level 3 under sections 178K and 178L  
501 and sexually violent predators shall verify their registration information in person 4 times each  
502 year, in 3 month intervals including their month of birth. All homeless sex offenders, regardless  
503 of their final classification levels, must verify their registration information in person every 30  
504 days. Sex offenders who have not been finally classified by the board under 178K and 178L shall  
505 verify their registration information in writing every 12 months from the date that they initially  
506 registered until they become finally classified, at which time the sex offender shall be required to



507 register, verify and update his registration information in person under the requirements of this  
508 section. The board shall develop regulations to determine the dates on which sex offenders must  
509 register and additional procedures for registration.

510

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

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

521 (1) Change of address within the commonwealth. No later than 3 days after a change  
522 of address, the registered sex offender shall appear in person at the police department in the city  
523 or town where the sex offender resides or if the sex offender does not reside in the  
524 commonwealth, in the city or town in which the sex offender has a secondary address, works, or  
525 is enrolled in school to update his address registration information. For purposes of this section,  
526 a "change of address" includes any change to the sex offender's residence, address, secondary  
527 addresses or temporary lodging, or if homeless, any change to the sex offender's homeless  
528 shelter or changes in the city or town in which he habitually lives as a homeless person. The

529 police department shall enter the updated registration information into the sex offender registry  
530 and electronically transmit the sex offender's registration information to the board. If the sex  
531 offender resides in the commonwealth but works or is enrolled in school in another jurisdiction,  
532 the board shall electronically transmit the sex offender's updated registration information to each  
533 jurisdiction where the sex offender works or is enrolled in school.

534 (2) Change of employment information. No later than 3 days after any change to a  
535 registered sex offender's employment information, the sex offender shall appear in person at the  
536 police department in the city or town where the sex offender resides or if the sex offender does  
537 not reside in the commonwealth, in the city or town in which the sex offender has a secondary  
538 address, works, or is enrolled in school to update his employment registration information. For  
539 purposes of this section, a "change of employment information" includes change in employers,  
540 obtaining additional employment, becoming unemployed, becoming employed and changes to  
541 the name or address of the sex offender's employers. If the sex offender's work is migratory,  
542 itinerant or transient and there are changes to the locations where the sex offender performs his  
543 work, including locations in other jurisdictions or countries, the sex offender shall, no later than  
544 3 business days after the change occurs, appear in person at the police department in the city or  
545 town where the sex offender resides or if the sex offender does not reside in the commonwealth,  
546 in the city or town in which the sex offender has a secondary address, works, or is enrolled in  
547 school to update the sex offender's registration information. The police department shall enter  
548 the updated registration information into the sex offender registry and electronically transmit the  
549 sex offender's registration information to the board. If the sex offender will begin employment  
550 in another jurisdiction, the board shall electronically transmit the sex offender's registration

551 information to that jurisdiction’s office, agency, or entity responsible for administering the  
552 jurisdiction’s sex offender registry.

553           (3)     Change in school information. No later than 3 days after any change to a sex  
554 offender’s school information, the registered sex offender shall appear in person at the police  
555 department in the city or town where the sex offender resides or if the sex offender does not  
556 reside in the commonwealth, in the city or town in which the sex offender has a secondary  
557 address, works, or is enrolled in school to update his school registration information. For  
558 purposes of this section, a “change in school information” includes enrolling in school,  
559 transferring enrollment to a different school or different location of the same school, termination  
560 of enrollment or if any change to the name or address of the school at which the sex offender is  
561 enrolled. The police department shall enter the updated registration information into the sex  
562 offender registry and electronically transmit the sex offender’s registration information to the  
563 board. If the sex offender will be enrolling in school in another jurisdiction, the board shall  
564 electronically transmit the sex offender’s registration information to that jurisdiction’s office,  
565 agency, or entity responsible for administering the jurisdiction’s sex offender registry.

566

567           (4)     Change of name. If a registered sex offender changes the name, aliases,  
568 primary or given names, nicknames, pseudonyms, ethnic or tribal name by which the sex  
569 offender is commonly known, the sex offender shall, no later than 3 days after the change occurs,  
570 appear in person at the police department in the city or town where the sex offender resides or if  
571 the sex offender does not reside in the commonwealth, in the city or town in which the sex  
572 offender has a secondary address, works, or is enrolled in school to update the registration

573 information relating to the sex offender's name. The police department shall enter the updated  
574 registration information into the sex offender registry and electronically transmit the sex  
575 offender's registration information to the board. The board shall electronically transmit the sex  
576 offender's updated registration information to all other jurisdictions where the sex offender is  
577 required to register.

578           (5)     Change in address outside of the commonwealth. If a registered sex  
579 offender with a home address or a secondary address in the commonwealth intends to move his  
580 home address or establish a secondary address outside of the commonwealth, the sex offender  
581 shall, no less than 10 days before the change occurs, appear in person at the police department in  
582 the city or town where the sex offender resides in the commonwealth or if the sex offender does  
583 not reside in the commonwealth, in the city or town in the commonwealth where the sex offender  
584 has a secondary address to update the address registration information. If the sex offender is  
585 homeless and intends to obtain housing outside of the commonwealth's jurisdiction, the sex  
586 offender shall, no less than 10 days before the change occurs, appear in person at the police  
587 department in the city or town where the sex offender resides to update the sex offender's  
588 registration information. The police department shall enter the updated registration information  
589 into the sex offender registry and electronically transmit the sex offender's registration  
590 information to the board. The board shall electronically transmit the sex offender's registration  
591 information to the jurisdiction's office, agency, or entity responsible for administering the  
592 jurisdiction's sex offender registry that the sex offender intends to begin residing or establish a  
593 secondary address.

594           (6)     Travel outside of the United States. If a registered sex offender intends to move  
595 or travel outside of the United States, the sex offender shall, no less than 21 days before the

596 travel occurs, appear in person at the police department in the city or town where the sex  
597 offender resides in the commonwealth or if the sex offender does not reside in the  
598 commonwealth, in the city or town in the commonwealth where the sex offender has a secondary  
599 address to report his intention to leave the United States. The police department shall enter the  
600 updated registration information into the sex offender registry and electronically transmit the sex  
601 offender's registration information to the board. Within 3 days, the board shall electronically  
602 transmit the sex offender's registration information to the Federal Bureau of Investigation and  
603 United States Marshals Service and to all other jurisdictions where the sex offender is required to  
604 register.

605

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

613 (8) Notice to the sex offender. Upon updating a sex offender's registration  
614 information, the police department shall provide written notice to the sex offender, and the sex  
615 offender shall acknowledge in writing, his duty to register in the commonwealth and in any  
616 jurisdiction where he resides, works or is enrolled in school, to verify registration information, to

617 update his registration information within the commonwealth or in any other jurisdiction and the  
618 penalties for failure to do so and for giving false registration information.

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

624 (f) Relief from registration for certain minor sex offenders. In the case of a minor  
625 sex offender who (a) was under the age of 14 at the time the sex offense was committed or (b)  
626 was 14 years of age or older at the time of his sex offense and was not convicted of sexually  
627 violent offense as defined in section 178C, or 2 or more sex offenses involving a child as defined  
628 in section 178C, the court shall, within 14 days of sentencing, determine whether the  
629 circumstances of the offense in conjunction with the sex offender's criminal history indicate that  
630 the sex offender does not pose a risk of reoffense or a danger to the public. If the court so  
631 determines, the court shall relieve the sex offender of the obligation to register under sections  
632 178C to 178Q, inclusive, and the clerk of the court shall immediately notify the sex offender  
633 registry board in writing that the court has relieved the sex offender of the registration obligation.

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

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

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

651

652 (j) Registry of motor vehicles notifying sex offenders. The registrar of motor  
653 vehicles shall inform a person applying for, or renewing a license to operate a motor vehicle that  
654 he has a duty to register as a sex offender if the person is a sex offender as defined by section  
655 178C.

656

657 (k) Homeless shelters. A homeless shelter receiving state funding shall cooperate in  
658 providing information to the board, supervising agency or police department when the homeless  
659 shelter is in the possession of the information being requested; provided, however, the request for

660 information shall be limited to that which is necessary to verify an offender's registration  
661 information or a sex offender's whereabouts. A homeless shelter that violates the provisions of  
662 this paragraph shall be punished by a fine of \$100 a day for each day that the shelter continues to  
663 violate the provisions of this paragraph.

664

665 (l) Board's access to sealed convictions. If a sex offender's criminal record indicates  
666 that he has any sealed or expunged convictions, the sex offender registry board may inquire of  
667 the office of the commissioner of probation whether the sealed or expunged conviction was for a  
668 sex offense and, if it was a sex offense, the commissioner shall so inform the board and provide  
669 the board with the specific sex offense of which the offender was convicted, the date of the  
670 conviction, the court that convicted the sex offender, and the docket number of the conviction.  
671 The board shall then request a copy of the conviction from the court and the court shall provide  
672 the board with a copy of the sealed or expunged conviction.

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

674 (a) Ability to enter, verify and update registration information. The sex offender  
675 registry board shall grant access to any state and local police department and any other agency in  
676 the commonwealth that is responsible for registering sex offenders, verifying registration  
677 information and updating registration information, under section 178E, to the computerized sex  
678 offender registry to examine and search registration information and enter, verify, and update sex  
679 offender registration information to the extent necessary to perform their functions under section  
680 178E. The agencies shall only disseminate registration information to the public to the extent  
681 permitted by sections 178I and 178J.



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

693 (c) National Child Protection Act agencies. The sex offender registry board shall  
694 grant access to any agency responsible for conducting employment-related background checks,  
695 under section 3 of the National Child Protection Act of 1993, 42 U.S.C. section 5119a, to  
696 electronically examine registration information contained in the sex offender registry. The board  
697 shall notify these agencies that they may only use registration information to the extent necessary  
698 for the actual performance of their duties, and that the public may only access registration  
699 information to the extent permitted under sections 178I and 178J. The sex offender registry  
700 board shall promulgate regulations regarding the process through which a National Child  
701 Protection Act agency may apply to obtain access to the sex offender registry, and the process  
702 and criteria the sex offender registry board shall follow in reviewing and approving such  
703 applications.

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

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

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

724 (g) Limitation on public access to registration information. Registration information  
725 received by the board shall not be disseminated to the public except in accordance with sections  
726 178F, 178I and 178J.

727 Section 178G. Duration of registration obligation

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

733 (1) A sex offender whose sex offense conviction is not a sex offense involving a  
734 child or a sexually violent offense, as defined in section 178C, must register for 15 years. These  
735 sex offenders may be eligible to have their registration obligation reduced by 5 years in  
736 accordance with subsection (b) of this section if they can demonstrate a clean record for 10  
737 years. If these sex offenders are convicted of a second and subsequent sex offense that is also  
738 not a sex offense involving a child or a sexually violent offense, they must register for 25 years.

739 (2) A sex offender convicted of 1 sex offense involving a child as defined in  
740 section 178C must register for 25 years.

741

742 (3) A sex offender convicted of 2 or more sex offenses involving a child as  
743 defined in section 178C must register for life.

744 (4) A sex offender convicted of 1 or more sexually violent offenses as defined in  
745 section 178C must register for life.

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

751 (6) Sex offenders who were adjudicated delinquent or found to be a youthful  
752 offenders and were 14 years or older when they committed the sex offense and are required to  
753 register for life under subsection (a)(3) or (a)(4) of this section may be eligible to have their  
754 registration obligation terminated if they can demonstrate a clean record for 25 years. The board  
755 shall promulgate regulations governing the process for reducing the duration of registration  
756 obligation for these sex offenders.

757 (b) Reduction in duration of registration obligation. The board may, upon specific  
758 written findings, reduce the duration of a sex offender's registration obligation as required in  
759 subsection (a)(1), (a)(5) and (a)(6) of this section. In making this determination, the board shall  
760 consider factors, including but not limited to: the circumstances of the sex offense, the sex  
761 offender's criminal history, the sex offender's current living environment, whether the sex  
762 offender attended sex offender treatment, the duration of time since the conviction for the sex  
763 offense and whether the sex offender has demonstrated a clean record as required in subsection  
764 (c). The burden of proof shall be on the sex offenders to prove that they come within the  
765 provisions of this section. Unless otherwise specified, sex offenders convicted of a sexually

766 violent offense or 2 or more sex offenses involving children, as defined in 178C, are not eligible  
767 for a reduction in time of their duty to register as a sex offender and must register for life. The  
768 board shall promulgate regulations governing the process for reducing a sex offender's  
769 registration obligation.

770

771 (c) Demonstration of a clean record. In order for sex offenders to be eligible for a  
772 reduction of their registration obligation or to be relieved of their duty to register as a sex  
773 offender, the sex offender must demonstrate to the sex offender registry board that the sex  
774 offender has (i) not been convicted of an offense for which imprisonment in a facility operated  
775 by the department of correction, a county correctional facility or federal correctional facility for  
776 more than 1 year may be imposed; (ii) has not been convicted of new sex offenses; (iii) has  
777 successfully completed periods of supervised probation or parole imposed by completing these  
778 periods without revocation; and (iv) has successfully completed an appropriate sex offender  
779 treatment program approved by the board. The board shall promulgate regulations governing the  
780 process to be followed by offenders who apply for a reduction of their registration obligation or  
781 to be relieved of their obligation to register; to establish the criteria for designating and  
782 qualifying approved sex offender treatment programs; and to establish criteria to be applied in  
783 determining whether a sex offender has successfully completed a treatment program.

784 (d) Not entitled to seal convictions. For so long as a sex offender is under a  
785 duty to register in the commonwealth or in any other jurisdiction or country where the sex  
786 offender resides, has a secondary address, works or is enrolled in school or would be under such  
787 a duty if residing, having a secondary address, working or enrolled in a school in the

788 commonwealth, the sex offender shall not be entitled to have his convictions sealed or expunged  
789 as otherwise permitted by statute or other rule of law.

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

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

796 (1) A first conviction under this subsection shall be punished by imprisonment for  
797 not less than 6 months and not more than 2½ years in a house of correction, not more than 5  
798 years in a state prison or by a fine of not more than \$1,000 or by both such fine and  
799 imprisonment.

800 (i) A person convicted under this subsection and who has been convicted  
801 of any of the offenses set forth in sections 13B, 13B½, 13B¾, 13F, 22A, 22B, 22C, 23, 23A,  
802 24B and 26 of chapter 265, any attempt to commit any of these offenses, or for conspiracy to  
803 commit any of these offenses, or an accessory thereto, or a like violation of the laws of another  
804 jurisdiction, the United States or a military, territorial or Indian tribal authority shall, in addition  
805 to the term of imprisonment authorized by this section, be punished by a term of community  
806 parole supervision for life, to be served under the jurisdiction of the parole board, as set forth in  
807 section 133D of chapter 127. The sentence of community parole supervision for life shall  
808 commence upon the expiration of the term of imprisonment imposed upon the sex offender by  
809 the court or upon the sex offender's release from probation or parole supervision or upon

810 discharge from commitment to the treatment center under section 9 of chapter 123A, whichever  
811 first occurs.

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

820 (2) A second and subsequent conviction under this subsection shall be punished  
821 by imprisonment in the state prison for not less than 5 years.

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

830 (b) Violations of this section may be prosecuted and punished in any county where the  
831 sex offender knowingly: (i) fails to register; (ii) fails to verify registration information as

832 required by section 178E; (iii) fails to update registration information as required by section  
833 178E; (iv) provides false information; or (v) in any county where the sex offender is located,  
834 found or apprehended.

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

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

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

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

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

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

852 (3) current photograph of the sex offender;



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

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

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

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

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

864 (9) whether the offender is in compliance with the registration obligations of sections  
865 178C to 178Q, inclusive; and

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

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

872 The public sex offender internet database shall be open to searches by the public at any  
873 time without charge or subscription. The public shall be permitted to search the internet database

874 for sex offenders by inputting a person's name, city or town, county, zip code or a user specified  
875 geographic radii within a specified address. The internet database shall include a function which  
876 permits members of the public and organizations to request e-mail notification when sex  
877 offenders establish or change their residence, secondary addresses, employment, or school  
878 enrollment within specified cities, towns, zip code, counties or geographic radii areas within the  
879 commonwealth as specified by the inquirer.

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

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

892 The public sex offender internet database shall only include registration information as  
893 delineated above in subparagraphs (1) to (10) of sex offenders finally classified as level 2 or  
894 level 3 under section 178K and 178L, except for sex offenders whose only sex offense or  
895 offenses were committed when the sex offender was under the age of 14. The board shall not

896 release any other registration information to the general public except as permitted in subsection  
897 (b). The board shall keep confidential and shall not publish in the public sex offender internet  
898 database any information relating to requests for registration data under sections 178I and 178J,  
899 nor shall it release any information identifying a victim by name, address or relation to the  
900 offender.

901 (b) Public Requests for Sex Offender Registry Information.

902

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

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

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

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

913 The record of inquiry form shall include a warning regarding the criminal penalties for  
914 the misuse of sex offender registration information to commit a crime or to engage in illegal  
915 discrimination or harassment of an offender and the punishment for threatening to commit a  
916 crime under the provisions of section 4 of chapter 275. Inquirers must acknowledge on the form

917 that the sex offender registration information disclosed to them is intended for their own  
918 protection or for the protection of a child under the age of 18 or another individual for whom  
919 they have responsibility, care or custody.

920

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

923 (2) Release of Information: If the search of the sex offender registry results in the  
924 identification of any finally classified sex offender, the board shall release the sex offender's  
925 registration information, as identified above in subsection (a)(1)-(10), and the sex offender's  
926 final classification level to the inquirer at no cost to the inquirer; provided, however, that no  
927 information will be released to the public concerning sex offenders whose only sex offense or  
928 offenses were committed when the sex offender was under the age of 14.

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

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

937

938 (c) Victim Requests for Sex Offender Registration Information. Upon the  
939 request of the victim and in conformance with section 178A of chapter 6, the board may,  
940 regardless of the conviction or classification, inform the victim of the status of an offender's  
941 classification and registration, and an offender's final registration and classification  
942 determination in addition to all of the information that the public is entitled to under section  
943 178C through 178Q.

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

945 (a) Persons who may request information. Persons who request sex offender registry  
946 information from the police department shall:

947

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

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

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

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

957 The record of inquiry form shall include a warning regarding the criminal penalties for  
958 the misuse of sex offender registration information to commit a crime or to engage in illegal

959 discrimination or harassment of an offender and the punishment for threatening to commit a  
960 crime under the provisions of section 4 of chapter 275. Inquirers must acknowledge on the form  
961 that the sex offender registration information disclosed to them is intended for their own  
962 protection or for the protection of a child under the age of 18 or another individual for whom  
963 they have responsibility, care or custody.

964

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

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

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

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

978 (c) Release of Information. If the search of the sex offender registry results in the  
979 identification of any finally classified sex offender the police shall release the sex offender's

980 registration information, as identified above in section 178I(a)(1)-(10), and the sex offender's  
981 classification level to the inquirer at no cost to the inquirer; provided, however, that no  
982 information will be released to the public concerning sex offenders whose only sex offense or  
983 offenses were committed when the sex offender was under the age of 14.

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

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

990

991           Within 3 business days of receipt of registration information that a sex offender resides,  
992 has a secondary address, is employed, or attends a school within a police department's  
993 jurisdiction, the police shall notify organizations in the community and individual members of  
994 the public who are likely to encounter the sex offender. Neighboring police districts shall share  
995 the sex offender registration information of all sex offenders and may inform the residents of  
996 their municipality of a sex offender they are likely to encounter who resides in an adjacent city or  
997 town. The police shall actively disseminate in a time and manner as the police department  
998 deems reasonably necessary the registration information as identified at section 178I(a)(1) to  
999 (10).

1000           Community notification may include publication of the registration information on the  
1001 internet by the police department in a time and manner as the police deem reasonably necessary;

1002 and provided further, that the police or the board shall not release information identifying the  
1003 victim by name, address or relation to the sex offender. All notices to the community shall  
1004 include a warning regarding the criminal penalties for misuse of sex offender registry  
1005 information to commit a crime or to engage in illegal discrimination or harassment of an  
1006 offender and the punishment for threatening to commit a crime under section 4 of chapter 275.

1007           Section 178K. Sex offender registry board; guidelines to assess risk of reoffense and  
1008 degree of dangerousness posed to public; classification; evidentiary hearing

1009           (a) Sex offender registry board. There shall be, within the department of criminal  
1010 justice information services, but not subject to its jurisdiction, a sex offender registry board,  
1011 which shall consist of at least 7 members who shall be appointed by the governor for terms of 6  
1012 years, with the exception of the chairman, and who shall devote their full time during business  
1013 hours to their official duties. The board shall include 1 person with experience and knowledge in  
1014 the field of criminal justice who shall act as chairman; at least 2 licensed mental health  
1015 professionals with special expertise in the assessment and evaluation of sex offenders and who  
1016 have knowledge of the forensic mental health system; at least 1 licensed mental health  
1017 professional with special expertise in the assessment and evaluation of sex offenders, including  
1018 juvenile sex offenders and who has knowledge of the forensic mental health system; at least 2  
1019 persons who have at least 5 years of training and experience in probation, parole or corrections;  
1020 and at least 1 person who has expertise or experience with victims of sexual abuse. Members  
1021 shall be compensated at a reasonable rate subject to approval of the secretary of administration  
1022 and finance.



1023           The chairman shall be appointed by and serve at the pleasure of the governor and shall be  
1024 the executive and administrative head of the sex offender registry board, shall have the authority  
1025 and responsibility for directing assignments of members of the board and shall be the appointing  
1026 and removing authority for members of the board's staff. In the case of the absence or disability  
1027 of the chairman, the governor may designate 1 of the members to act as chairman during that  
1028 absence or disability. The chairman shall, subject to appropriation, establish staff positions and  
1029 employ such administrative, research, technical, legal, clerical and other personnel and  
1030 consultants as may be necessary to perform the duties of the board. These staff positions shall  
1031 not be subject to section 9A of chapter 30 or chapter 31.

1032           The governor shall fill a vacancy for the unexpired term. As long as there are 4 sitting  
1033 members, a vacancy shall not impair the right of the remaining members to exercise the powers  
1034 of the board.

1035           (b) Guidelines to assess risk of reoffense and degree of dangerousness posed to public.  
1036 The sex offender registry board shall promulgate guidelines for determining the final  
1037 classification level of risk of reoffense and the degree of dangerousness posed to the public, the  
1038 reclassification of an offender, or an offender's request for reduction in his obligation to register;  
1039 apply the guidelines to assess the risk level of particular offenders; develop guidelines for use by  
1040 city and town police departments in disseminating sex offender registry information; devise a  
1041 plan, in cooperation with state and local law enforcement authorities and other appropriate  
1042 agencies, to locate and verify the current addresses of sex offenders including, subject to  
1043 appropriation, entering into contracts or interagency agreements for such purposes; and conduct  
1044 hearings as provided in section 178L. Factors relevant to the risk of reoffense shall include, but  
1045 not be limited to, the following:

- 1046 (1) criminal history factors indicative of a high risk of reoffense and degree of  
1047 dangerousness posed to the public, including:
- 1048 (i) whether the sex offender has a mental abnormality;
- 1049
- 1050 (ii) whether the sex offender's conduct is characterized by repetitive and compulsive  
1051 behavior;
- 1052 (iii) whether the sex offender was an adult who committed a sex offense on a child;
- 1053 (iv) the age of the sex offender at the time of the commission of the first sex offense;
- 1054 (iv) whether the sex offender has been adjudicated to be a sexually dangerous person  
1055 under chapter 123A or is a person released from civil commitment under section 9 of chapter  
1056 123A; and
- 1057 (vi) whether the sex offender served the maximum term of incarceration.
- 1058 (2) other criminal history factors to be considered in determining risk and  
1059 degree of dangerousness, including:
- 1060 (i) the relationship between the sex offender and the victim;
- 1061 (ii) whether the offense involved the use of a weapon, violence or infliction of bodily  
1062 injury; and
- 1063 (iii) the number, date and nature of prior offenses;

1064 (3) conditions of release that minimize risk of reoffense and degree of  
1065 dangerousness posed to the public, including whether the sex offender is under probation or  
1066 parole supervision, whether the sex offender is receiving counseling, therapy or treatment and  
1067 whether the sex offender is residing in a home situation that provides guidance and supervision,  
1068 including sex offender specific treatment in a community based residential program;

1069 (4) physical conditions that minimize risk of reoffense including, but  
1070 not limited to, debilitating illness;

1071 (5) whether the sex offender was a juvenile when he committed the  
1072 offense, his response to treatment and subsequent criminal history;

1073

1074 (6) whether psychological or psychiatric profiles indicate a risk of recidivism;

1075 (7) the sex offender's history of alcohol or substance abuse;

1076 (8) the sex offenders' participation in sex offender treatment and counseling while  
1077 incarcerated or while on probation or parole and their response to treatment or counseling;

1078 (9) recent behavior, including behavior while incarcerated or while supervised  
1079 on probation or parole;

1080 (10) recent threats against persons or expressions of intent to commit additional  
1081 offenses;

1082 (11) review of any victim impact statement;

1083 (12) review of any materials submitted by sex offenders, their attorneys or  
1084 others on behalf of the offenders; and

1085 (13) age of the offender at the time of the classification hearing.

1086 (c) Classification levels. The guidelines shall provide for 3 levels of classification  
1087 depending on the degree of risk of reoffense and the degree of dangerousness posed to the public  
1088 by the sex offender or for relief from the obligation to register:

1089 (1) Where the board determines that the risk of reoffense is low and the degree of  
1090 dangerousness posed to the public is low, it shall give a final level 1 classification to the sex  
1091 offender.

1092 (2) Where the board determines that the risk of reoffense is moderate and the  
1093 degree of dangerousness posed to the public is moderate, it shall give a final level 2 classification  
1094 to the sex offender.

1095 (3) Where the board determines that the risk of reoffense is high and the  
1096 degree of dangerousness posed to the public is high, it shall give a final level 3 classification to  
1097 the sex offender.

1098 (d) Notification by the board. Within 2 days of the board's determination of the sex  
1099 offender's final classification level, the board shall electronically transmit the sex offender's  
1100 final classification level and registration information to the police departments in the  
1101 municipalities where the sex offender lives, works and is enrolled in a school or, if in custody,  
1102 intends to live, work and enroll in school upon release; where the offense was committed; and to  
1103 the Federal Bureau of Investigation and United States Marshals Service.

1104 (e) Level 3 sex offenders prohibited from living in nursing home; penalties. No sex  
1105 offender finally classified as a level 3 offender shall knowingly and willingly establish living  
1106 conditions within, move to, be placed in, or be transferred to any convalescent or nursing home,  
1107 infirmary maintained in a town, rest home, charitable home for the aged or intermediate care  
1108 facility for persons with an intellectual disability, which meets the requirements of the  
1109 department of public health under section 71 of chapter 111. Any sex offender who violates this  
1110 paragraph shall, for a first conviction, be punished by imprisonment for not more than 30 days in  
1111 a jail or house of correction; for a second conviction, be punished by imprisonment for not more  
1112 than 2 ½ years in a jail or house of correction, nor more than 5 years in a state prison, or by a fine  
1113 of not more than \$1,000, or by both such fine and imprisonment; and for a third and subsequent  
1114 conviction, be punished by imprisonment in a state prison for not less than 5 years; provided,  
1115 however, that the sentence imposed for a third or subsequent conviction shall not be reduced to  
1116 less than 5 years, nor suspended, nor shall any person sentenced herein be eligible for probation,  
1117 parole, work release or furlough, or receive any deduction from his sentence for good conduct  
1118 until he shall have served 5 years. Prosecutions commenced hereunder shall neither be continued  
1119 without a finding nor placed on file.

1120

1121 (f) Classification priorities; agency cooperation. The sex offender registry board shall  
1122 make a determination regarding the level of risk of reoffense and the degree of dangerousness  
1123 posed to the public by each sex offender listed in the sex offender registry and shall give  
1124 immediate priority to those offenders who have been convicted of a sex offense involving a child  
1125 or convicted or adjudicated as a delinquent juvenile or as a youthful offender by reason of a  
1126 sexually violent offense and who have not been sentenced to incarceration for at least 90 days,

1127 followed, in order of priority, by those sex offenders who (1) have been released from  
1128 incarceration within the past 12 months, (2) are currently on parole or probation supervision, and  
1129 (3) are scheduled to be released from incarceration within 6 months. All agencies shall cooperate  
1130 in providing files to the sex offender registry board and any information the sex offender registry  
1131 board deems useful in providing notice under sections 178C to 178Q, inclusive, and in assessing  
1132 the risk of reoffense and the degree of dangerousness posed to the public by the sex offender. All  
1133 agencies from which information, including information within the control of providers under  
1134 contract to these agencies, is requested by the sex offender registry board shall make such  
1135 information available to the board immediately upon request. Failure to comply in good faith  
1136 with such a request within 30 days shall be punishable by a fine of not more than \$1,000 per day.

1137 Section 178L. Classification; notification; evidentiary hearings; right to counsel

1138 (a) Recommended Classification. Upon review of any information useful in assessing  
1139 the risk of reoffense and the degree of dangerousness posed to the public by the sex offender,  
1140 including materials described in the board guidelines and any materials submitted by the sex  
1141 offender, the board shall prepare a recommended classification level for each offender. The  
1142 recommendation may be made by board staff members upon written approval by 1 board  
1143 member; provided, however, that if the sex offender was a minor at the time of the offense,  
1144 written approval must be given by a board member who is a licensed psychologist or psychiatrist  
1145 with special expertise in the assessment and evaluation of juvenile sex offenders.

1146 (1) Sex offender in custody. Not less than 6 months prior to their release or  
1147 parole from custody or incarceration, the board shall notify the sex offenders of their right to  
1148 submit to the board documentary evidence relative to their risk of reoffense and the degree of

1149 dangerousness posed to the public. If the sex offender is a minor or has been deemed by a court  
1150 to be incompetent at the time of the notification, notification shall also be mailed to the sex  
1151 offender's legal guardian or agency having custody of the person in the absence of a legal  
1152 guardian and his most recent attorney of record. The sex offender may submit evidence to the  
1153 board within 30 days of receiving the notice from the board. Upon a reasonable showing, the  
1154 board may extend the time in which a sex offender may submit documentary evidence. Upon  
1155 reviewing the evidence, the board shall promptly notify the sex offenders of the board's  
1156 recommended classification level, their duty to register and their right to petition the board to  
1157 request an evidentiary hearing to challenge the recommended classification level, their right to  
1158 retain counsel to represent them at a hearing and their right to have counsel appointed for them if  
1159 they are found to be indigent as determined by the board using the standards under chapter 211D;  
1160 provided, however, that the indigent offender may also apply for and the board may grant  
1161 payment of fees for an expert witness in a case where the board, in its classification proceeding,  
1162 intends to rely on the testimony or report of an expert witness prepared specifically for the  
1163 purposes of the classification proceeding. The sex offender shall petition the board for an  
1164 evidentiary hearing within 20 days of receiving notice. The board shall conduct a de novo  
1165 evidentiary hearing in a reasonable time according to the provisions of subsection (b) and shall  
1166 determine the sex offender's final classification level prior to the offender's release from  
1167 incarceration, if practicable. The failure to timely petition the board for a hearing shall result in a  
1168 waiver of the right to a hearing, and the board's recommended classification level shall become  
1169 the sex offender's final classification level and shall not be subject to judicial review. All  
1170 agencies having custody of a confined sex offender shall cooperate with the board in providing  
1171 notices to the offender and proper space to conduct hearings.

1172

1173                   (2)     Requests for expedited classification. The district attorney for the county  
1174 where the sex offender was prosecuted may, within 10 days of a conviction or adjudication of a  
1175 sexually violent offense, file a motion with the board to make an expedited recommended  
1176 classification upon a showing that the sex offender poses a grave risk of imminent reoffense. If  
1177 the petition is granted, the board shall make the recommendation classification within 10 days of  
1178 the expiration of the time to submit documentary evidence. If the petition is not granted, the  
1179 board shall make the recommended classification as otherwise provided in this section.

1180                   (3)     Sex offender not in custody. In the case of any sex offender (i) who, as of  
1181 the effective date of this section, is not in custody and whom the board never issued a final  
1182 classification level under the version of sections 178K and 178L in effect prior July 27, 2011, (ii)  
1183 who receives a sentence of confinement or order of custody of less than 6 months; (iii) who does  
1184 not receive a sentence of incarceration or order of custody; or (iv) is ordered by the court to be  
1185 immediately discharged from any form of custody, the board shall, upon receiving registration  
1186 information from the agency that has custody of the sex offender; the police department at which  
1187 the sex offender registered; or any other source, promptly notify the sex offenders of their right  
1188 to submit to the board documentary evidence relative to their risk of reoffense and the degree of  
1189 dangerousness posed to the public. If the sex offender is a minor or has been deemed by a court  
1190 to be incompetent at the time of the notification, notification shall also be mailed to the sex  
1191 offender's legal guardian or agency having custody of the person in the absence of a legal  
1192 guardian and his most recent attorney of record. The sex offender may submit evidence to the  
1193 board within 30 days of receiving such notice from the board. Upon a reasonable showing, the  
1194 board may extend the time in which a sex offender may submit documentary evidence. Upon



1195 reviewing the evidence, the board shall promptly notify the sex offenders of the board's  
1196 recommended classification level, their duty to register and their right to petition the board to  
1197 request an evidentiary hearing to challenge the recommended classification level, their right to  
1198 retain counsel to represent him at the hearing and their right to have counsel appointed for them  
1199 if they are found to be indigent as determined by the board using the standards under chapter  
1200 211D; provided, however, that the indigent offender may also apply for and the board may grant  
1201 payment of fees for an expert witness in any case where the board, in its classification  
1202 proceeding, intends to rely on the testimony or report of an expert witness prepared specifically  
1203 for the purposes of the classification proceeding. The sex offender shall petition the board for an  
1204 evidentiary hearing within 20 days of receiving notice. The board shall conduct a de novo  
1205 evidentiary hearing in a reasonable time according to the provisions of subsection (b). The  
1206 failure to timely petition the board for a hearing shall result in a waiver of the right to a hearing,  
1207 and the board's recommended classification level shall become the sex offender's final  
1208 classification level and shall not be subject to judicial review.

1209 (b) Hearings to Determine Final Classification Level. If any sex offender  
1210 requests a hearing in accordance with subsection (a) to challenge his recommended  
1211 classification, the chair may appoint a member, a panel of 3 board members or a hearing officer  
1212 to conduct the hearing, according to the standard rules of adjudicatory procedure or other rules  
1213 which the board may promulgate, and to determine by a preponderance of evidence the sex  
1214 offender's duty to register and final classification level. The board shall inform sex offenders  
1215 requesting a hearing under the provisions of subsection (a) of their right to have counsel  
1216 appointed if a sex offender is deemed to be indigent as determined by the board using the  
1217 standards under chapter 211D. If the sex offender does not request a hearing, the board's

1218 recommended classification level shall become the final classification level and shall not be  
1219 subject to judicial review. If the sex offender fails to appear at his scheduled hearing, the board's  
1220 recommended classification level shall become the sex offender's final classification level and  
1221 shall not be subject to judicial review. All offenders who are juveniles at the time of notification  
1222 shall be represented by counsel at the hearing.

1223 (c) Previously finally classified sex offenders. The provisions of this section apply to  
1224 all sex offenders, as defined in section 178C. The final classification level any sex offender  
1225 received under the prior version of this section and section 178K remains in effect. Nothing in  
1226 this section shall exempt a sex offender from complying with the registration requirements set  
1227 forth in section 178E.

1228 Section 178M. Judicial review of board's final classification

1229 An offender may seek judicial review, in accordance with section 14 of chapter 30A, of  
1230 the board's final classification decision and registration requirements. The court shall, if  
1231 requested, appoint counsel to represent the sex offender in the proceedings if the sex offender is  
1232 deemed indigent in accordance with section 2 of chapter 211D. An attorney employed or  
1233 retained by the board may make an appearance, subject to section 3 of chapter 12, to defend the  
1234 board's final classification decision. The court shall reach its final decision within 60 days of the  
1235 sex offender's petition for review. The court shall keep proceedings conducted under this  
1236 paragraph and records from these proceedings confidential, and these proceedings and records  
1237 shall be impounded, but the filing of an action under this section shall not stay the effect of the  
1238 board's final classification.

1239 Section 178N. Misuse of information; penalties

1240 Information contained in the sex offender registry shall not be used to commit a crime  
1241 against a sex offender or to engage in illegal discrimination or harassment of an offender. A  
1242 person who uses information disclosed under the provisions of sections 178C to 178Q, inclusive,  
1243 for such purpose shall be punished by not more than 2½ years in a house of correction or by a  
1244 fine of not more than \$1,000 or by both such fine and imprisonment.

1245 Section 178O. Liability of public officials and employees for sex offender registry  
1246 information

1247 Police officials and other public employees acting in good faith shall not be liable in a  
1248 civil or criminal proceeding for the dissemination of sex offender registry information or other  
1249 act or omission under the provisions of sections 178C to 178Q, inclusive.

1250 Section 178P. Failure to comply with registration requirements; warrantless arrests

1251 When a police officer has probable cause to believe that a sex offender has failed to  
1252 comply with the registration requirements of sections 178C to 178Q, inclusive, the officer shall  
1253 have the right to arrest the sex offender without a warrant and to keep the sex offender in  
1254 custody.

1255 Section 178Q. Sex offender registry fee

1256 The board shall assess upon every sex offender a fee of \$75, hereinafter referred to as  
1257 “sex offender registry fee.” Sex offenders shall pay the sex offender registry fee upon their  
1258 initial registration as a sex offender and annually thereafter in the month of their birth provided,  
1259 however, no fee shall be assessed or collected until offenders have either (1) waived their right to  
1260 petition for an evidentiary hearing to challenge their duty to register as a sex offender as set forth

1261 in section 178L or (2) have completely exhausted the legal remedies made available to them to  
1262 challenge their duty to register under sections 178L and 178M and have not prevailed in their  
1263 attempt to eliminate their duty, nor shall a fee be assessed upon a sex offender until the offender  
1264 reaches 18 years of age. A sex offender's duty to pay the fee established by this section shall  
1265 only terminate upon the termination of the sex offender's duty to register as a sex offender as set  
1266 forth in section 178G.

1267         The sex offender registry board may waive payment of the sex offender registry fee if it  
1268 determines that the payment would constitute an undue hardship on the sex offender or the sex  
1269 offender's family due to limited income, employment status, or any other relevant factor. Any  
1270 waiver so granted shall be in effect only during the period of time that the sex offender is  
1271 determined to be unable to pay the sex offender registry fee. The board shall establish procedures  
1272 relative to the collection and waiver of the fee by regulation. The sex offender registry fee shall  
1273 be collected and retained by the sex offender registry board. The board shall account for all fees  
1274 received and report fees annually to the secretary of administration and finance and the house  
1275 and senate committees on ways and means.

1276         SECTION 3. Chapter 22E, as so appearing, is hereby amended by striking out section 3  
1277 and inserting in place thereof the following section:-

1278         Section 3. A person who is convicted of an offense that is punishable by imprisonment in  
1279 the state prison, who is adjudicated a youthful offender by reason of an offense that would be  
1280 punishable by imprisonment in the state prison if committed by an adult, who is required to  
1281 register as a sex offender under section 178E of chapter 6 or who enters the commonwealth  
1282 under the interstate compact for adult offender supervision and committed a crime in the sending

1283 state that would be punishable by imprisonment in state prison if committed in Massachusetts  
1284 shall submit a DNA sample to the department within 6 months of the conviction or adjudication  
1285 or, if incarcerated, before release from custody, or when they register as a sex offender,  
1286 whichever occurs first. The sample shall be collected by a person authorized under section 4, in  
1287 accordance with regulations or procedures established by the director. The results of the sample  
1288 shall become part of the state DNA database. The submission of the DNA sample shall not be  
1289 stayed pending a sentence appeal, motion for new trial, appeal to an appellate court or other post  
1290 conviction motion or petition.

1291 SECTION 4. Retroactive Application to Finally Classified Registered Sex Offenders.

1292

1293 Any sex offender finally classified by the board and required to register under sections  
1294 178C to 178Q, in effect prior to the effective date of this act, must continue to register under this  
1295 act.

1296 The board shall send to all sex offenders finally classified by the board under sections  
1297 178C to 178Q, in effect prior to the effective date and who must continue to register, written  
1298 notification, and the sex offenders shall acknowledge in writing, of their duty to register in the  
1299 commonwealth and in any other jurisdiction where they reside, have a secondary address, work  
1300 or are enrolled in school, notification of their duty to verify and update their registration  
1301 information, and the penalties for failure to do so and for giving false registration information. If  
1302 the sex offender is a minor or has been deemed by a court to be incompetent at the time of  
1303 notification, the notification shall also be mailed to the sex offender's legal guardian or agency

1304 having custody of the person in the absence of a legal guardian and his most recent attorney of  
1305 record.

1306           This notification shall inform the sex offenders of the date they must verify their  
1307 registration information under 178E(c) of this act and the date or dates during the next 12 months  
1308 that they must verify their registration information. Level 1 sex offenders must verify their  
1309 registration information in person within 12 months of the effective date of this section; level 2  
1310 sex offenders must verify their registration information in person within 6 months of the  
1311 effective date of this section; level 3 sex offenders, including sexually violent predators, must  
1312 verify their registration information in person within 3 months of the effective date of this  
1313 section; and homeless sex offenders must verify their registration information within 30 days of  
1314 the effective date of this section. Sex offender shall appear in person to verify and update their  
1315 registration information at the police department in the city or town where the sex offender  
1316 resides, or if the sex offender does not reside in the commonwealth, in the city or town where the  
1317 sex offender has a secondary address, works or is enrolled in school. The police department  
1318 shall enter the registration information into the sex offender registry and electronically transmit  
1319 the sex offender's registration information to the board. The sex offender's final classification  
1320 by the board as a level 1, level 2, or level 3 under sections 178C to 178Q, in effect prior to the  
1321 effective date, will remain the same.

1322           If the sex offender no longer has an obligation to register under this act, the board shall so  
1323 notify the sex offender.

1324           SECTION 5. Retroactive Application to Unclassified Registered Sex Offenders.

1325 Any sex offender not finally classified by the board who was required to register under  
1326 sections 178C to 178Q, in effect prior to the effective date of this act, must continue to register  
1327 under this act.

1328 The board shall send to all unclassified sex offenders who must continue to register,  
1329 written notification, and the sex offenders shall acknowledge in writing, of their duty to register  
1330 in the commonwealth and in any other jurisdiction where they reside, have a secondary address,  
1331 work or are enrolled in school, notification of their duty to verify and update their registration  
1332 information, and the penalties for failure to do so and for giving false registration information. If  
1333 the sex offender is a minor or has been deemed by a court to be incompetent at the time of  
1334 notification, the notification shall also be mailed to the sex offender's legal guardian or agency  
1335 having custody of the person in the absence of a legal guardian and his most recent attorney of  
1336 record.

1337 This notification shall inform sex offenders of the date they must verify their registration  
1338 information under 178E(c) of this act and the date or dates during the next 12 months that they  
1339 must verify their registration information.

1340 SECTION 6. A person required to register as a sex offender who has not previously  
1341 submitted a DNA sample to the department of state police under chapter 22E shall submit a  
1342 DNA sample to the department within 6 months of the effective date of this act.