

**HOUSE . . . . . No. 446**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan*

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

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

An Act relative to the protection of juveniles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/19/2011</i>

**HOUSE . . . . . No. 446**

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 446) of Kay Khan relative to juveniles accused of sexual offenses. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to the protection of juveniles.

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

1           Section 1. Section 178C of chapter 6 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by striking out, in lines 41-42, the following:-

3           “or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason  
4 of a sex offense.”

5           Said section is further amended by striking out the following:-

6           In lines 44-45 “or custody with the department of youth services for such conviction or  
7 adjudication;”

8           In line 71, “adjudication or;”

9           In lines 123-124, “or who has been adjudicated as a youthful offender or as a delinquent  
10 juvenile by reason of a sexually violent offense;”

11 In lines 126-127, “or custody with the department of youth services for such conviction  
12 or adjudication.”

13 Section 2. Section 178D of chapter 6 of the General Laws, as appearing in the 2008  
14 Official Edition, is hereby amended by striking out, in line 18, “or adjudicated,” and in line 19,  
15 “or adjudication.”

16 Said section is further amended by striking out, in line 41, “or adjudicated,” and in line  
17 42, “or adjudication.”

18 Section 3. Section 178E of Chapter 6 of the General Laws, as appearing in the 2008  
19 Official Edition, is hereby amended by striking out, in line 4, the following:-

20 “the department of youth services.”

21 Said section is further amended by striking out the following:-

22 In lines 28-32 and 70-74, “If such sex offender is a juvenile at the time of such  
23 notification, notification shall also be mailed to such sex offender’s legal guardian or agency  
24 having custody of the juvenile in the absence of a legal guardian and his most recent attorney of  
25 record;”

26 In lines 84-86, “or adjudication as a youthful offender or as a delinquent juvenile by  
27 reason of a sex offense.”

28 In lines 96-99, “If such sex offender is a juvenile at the time of such adjudication, the  
29 legal guardian or agency having custody of the juvenile and his most recent attorney of record  
30 shall also be required to acknowledge, in writing, such information.”

31 In line 126, “or adjudication of delinquent or as a youthful offender.”

32 In lines 142-143, “or adjudicated as a youthful offender or as a delinquent juvenile by  
33 reason of a sex offense.”

34 In lines 244-247, “If any such sex offender is a juvenile at the time of such notification,  
35 notification shall also be mailed to such sex offender’s legal guardian or the agency having  
36 custody of the juvenile in the absence of a legal guardian and his most recent attorney of record.”

37 Section 4. Section 178F of chapter 6 of the General Laws, as appearing in the 2008  
38 Official Edition, is hereby amended by striking out, in lines 30-33, the following:-

39 “If any such sex offender is a juvenile at the time of such notification, notification shall  
40 also be mailed to such sex offender’s legal guardian or the agency having custody of the juvenile  
41 in the absence of a legal guardian and his most recent attorney of record.”

42 Section 5. Section 178F1/2 of chapter 6 of the General Laws, as appearing in the 2008  
43 Official Edition, is hereby amended by striking out, in lines 28-31, the following:-

44 “If any such sex offender is a juvenile at the time of such notification, notification shall  
45 also be mailed to such sex offender’s legal guardian or the agency having custody of the juvenile  
46 in the absence of a legal guardian and his most recent attorney of record.”

47 Section 6. Section 178G of chapter 6 of the General Laws, as appearing in the 2008  
48 Official Edition, is hereby amended by striking out, in line 4, “or adjudicated,” and, by striking  
49 out, in line 17, “adjudication.”

50 Section 7. Section 178H of chapter 6 of the General Laws, as appearing in the 2008  
51 Official Edition, is hereby amended by striking out, in line 11, the following:-

52 “adjudicated or.”

53 Section 8. Section 178I of chapter 6 of the General Laws, as appearing in the 2008  
54 Official Edition, is hereby amended by striking out, in lines 9-10, “or adjudicated,” and, by  
55 striking out, in line 10, “or adjudications.”

56 Section 9. Section 178J of chapter 6 of the General Laws, as appearing in the 2008  
57 Official Edition, is hereby amended by striking out, in line 52, “or adjudicated,” and, by striking  
58 out, in line 53, “or adjudication.”

59 Section 10. Section 178K of chapter 6 of the General Laws, as appearing in the 2008  
60 Official Edition, is hereby amended by striking out, in line 12, the following:-

61 “including juvenile sex offenders.”

62 Said section is further amended by striking out the following:-

63 In lines 79-80, “(e) whether the sex offender was a juvenile when he committed the  
64 offense, his response to treatment and subsequent criminal history;”

65 In line 153, “or adjudicated;”

66 In line 154, “or adjudication;”

67 In line 243-244, “or adjudicated as a delinquent juvenile or as a youthful offender by  
68 reason;”

69 Section 11. Section 178L of chapter 6 of the General Laws, as appearing in the 2008  
70 Official Edition, is hereby amended by striking out, in lines 7-10, “provided, however, that if the  
71 sex offender was a juvenile at the time of the offense, written approval must be given by a board

72 member who is a licensed psychologist or psychiatrist with special expertise in the assessment  
73 and evaluation of juvenile sex offenders.”

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75 Said section is further amended by striking out:

76 In lines 16-19 and lines 55-58, “If the sex offender is a juvenile at the time of such  
77 notification, notification shall also be mailed to the sex offender’s legal guardian or agency  
78 having custody of the juvenile in the absence of a legal guardian and his most recent attorney of  
79 record;”

80 In line 41, “or adjudication;”

81 In lines 91-92, “All offenders who are juveniles at the time of notification shall be  
82 represented by counsel at the hearing.”