

**HOUSE . . . . . No. 1236**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Antonio F. D. Cabral*

*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 to protect children against sex offenders..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	

**HOUSE . . . . . No. 1236**

---

---

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1236) of Antonio F. D. Cabral and others for legislation to protect children against sex offenders. The Judiciary.

---

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 411 OF 2011-2012.]

**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Thirteen**  
—————

An Act to protect children against sex offenders..

*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 178L of chapter 6 of the general laws, as appearing in the 2010  
2 official edition, is hereby amended by striking section 1(a) and inserting in place thereof with the  
3 following:

4           Section 1(a). Not less than 180 days prior to the release or parole of a sex offender from  
5 custody or incarceration, the board shall notify the sex offender of his right to submit to the  
6 board documentary evidence relative to his risk of reoffense and the degree of dangerousness  
7 posed to the public and his duty to register according to the provisions of section 178E. If the  
8 sex offender is a juvenile at the time of such notification, notification shall also be mailed to the  
9 sex offender’s legal guardian and his most recent attorney of record. Such sex offender may  
10 submit such evidence to the board within 30 days of receiving such notice from the board. Upon  
11 a reasonable showing, the board may extend the time in which such sex offender may submit  
12 such documentary evidence by no more than 30 days. The board may extend the time which  
13 such sex offender may submit such documentary evidence after the 30 days, but only after  
14 additional reasonable showing and not more than 30 days at a time. Upon reviewing such  
15 evidence, the board shall notify the sex offender within 30 days of the board’s recommended sex  
16 offender classification, his duty to register, if any, his right to petition the board to request an  
17 evidentiary hearing to challenge such classification and duty, his right to retain counsel to  
18 represent him at such hearing and his right to have counsel appointed for him if he is found to be

19 indigent as determined by the board using the standards under chapter 211D; provided, however,  
20 that such indigent offender may also apply for and the board may grant payment of fees for an  
21 expert witness in any case where the board in its classification proceeding intends to rely on the  
22 testimony or report of an expert witness prepared specifically for the purposes of the  
23 classification proceeding. If the offender is found to be indigent as determined by the board  
24 using the standards under chapter 211D, counsel shall be appointed within 20 days. Such sex  
25 offender shall petition the board for such hearing within 20 days of receiving such notice. The  
26 board shall conduct such hearing within 60 days from the latter of petition from the sex offender  
27 or appointment of counsel. The failure timely to petition the board for such hearing shall result  
28 in a waiver of such right and the registration requirements, if any, and the board's recommended  
29 classification shall become final.

30 Section 2. Section 178L of chapter 6 of the general laws, as appearing in the 2010  
31 official edition, is hereby amended by striking section 1(c) and inserting in place thereof the  
32 following:

33 Section 1(c). In the case of any sex offender not in custody, upon receiving registration  
34 data from the agency, the police department at which the sex offender registered, the sentencing  
35 court or by any other means, the board shall promptly notify the sex offender of his right to  
36 submit to the board documentary evidence relative to his risk of reoffense and the degree of  
37 dangerousness posed to the public and his duty to register, if any, according to the provisions of  
38 section 178E. If such sex offender is a juvenile at the time of such notification, notification shall  
39 also be mailed to the sex offender's legal guardian and his most recent attorney of record. Such  
40 sex offender may submit such evidence to the board within 30 days of receiving such notice from  
41 the board. Upon a reasonable showing, the board may extend the time in which such sex  
42 offender may submit such documentary evidence by no more than 30 days. The board may  
43 extend the time which such sex offender may submit such documentary evidence after the 30  
44 days, but only after additional reasonable showing and not more than 30 days at a time. Upon  
45 reviewing such evidence, the board shall notify the sex offender within 30 days of the board's  
46 recommended sex offender classification, his duty to register, if any, his right to petition the  
47 board to request an evidentiary hearing to challenge such classification and duty, his right to  
48 retain counsel to represent him at such hearing and his right to have counsel appointed for him if  
49 he is found to be indigent as determined by the board using the standards under chapter 211D;  
50 provided, however, that such indigent offender may also apply for and the board may grant  
51 payment of fees for an expert witness in any case where the board in its classification proceeding  
52 intends to rely on the testimony or report of an expert witness prepared specifically for the  
53 purposes of the classification proceeding. If the offender is found to be indigent as determined  
54 by the board using the standards under chapter 211D, counsel shall be appointed within 20 days.  
55 Such sex offender shall petition the board for such hearing within 20 days of receiving such  
56 notice. The board shall conduct such hearing within 60 days from the latter of petition from the  
57 sex offender or appointment of counsel. The timely failure to petition the board for such hearing

58 shall result in a waiver of such right and the registration requirements, if any, and the board's  
59 recommended classification shall become final.