

**HOUSE . . . . . No. 2157**

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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 creation of a sex offender management board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>1/24/2013</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/28/2013</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/29/2013</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>1/28/2013</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/1/2013</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>1/31/2013</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/29/2013</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2013</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/29/2013</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/29/2013</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/1/2013</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/31/2013</i>

**HOUSE . . . . . No. 2157**

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2157) of Kay Khan and others for legislation to establish a sex offender management board within the Executive Office of Public Safety. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2407 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to the creation of a sex offender management board.

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

1 SECTION 1. Chapter 6A of the General Laws, as appearing in the 2008 Official Edition,  
2 is hereby amended by inserting after section 18 3/4 the following section:-

3 Section 18 7/8. (a) There is hereby created in the executive office of public safety and  
4 security, the sex offender management board, hereinafter, the board.

5 (b) The members of the board shall be: the secretary of public safety and security or  
6 designee; the chairman of the sex offender registry board or designee; the attorney general or  
7 designee; the commissioner of probation or designee; the commissioner of corrections or  
8 designee; the commissioner of the department of youth services or designee; the commissioner  
9 of the department of children and families or designee; the commissioner of the department of  
10 elementary and secondary education or designee: the chief justices of the superior court, district  
11 court, and juvenile court or designees; the child advocate or designee; the secretary of executive  
12 office of health and human services or designee; a representative of the Massachusetts District  
13 Attorney’s Association; a representative of the Massachusetts Chiefs of Police Association; a  
14 representative of the parole board; a member of the state police; and chief counsel of the  
15 committee for public counsel services or designee. Additionally, the governor shall appoint 5  
16 persons; 1 from the Massachusetts Children Alliance and 1 from Jane Doe, Inc.; 2 persons  
17 representing research or sex offender treatment and management organizations; 1 from the

18 Massachusetts Adolescent Sex Offender Coalition; and 1 from the Massachusetts Association for  
19 the Treatment of Sexual Abusers. A chairman and vice-chair are to be appointed by the  
20 Governor. Members appointed by the governor shall serve for a term of 4 years, with the  
21 members initially appointed serving staggered terms. Members may be reappointed. Appointees  
22 shall have prior proven experience working with adult and juvenile sex offenders. Additionally,  
23 those with expertise in this field may be asked to provide information and data to the board,  
24 especially as it relates to the current research and evidence-based practice for working with adult  
25 and juvenile sex offenders. If a member is unable to adequately perform the member's duties,  
26 the member is subject to removal from the board by a majority vote of the full board. Any  
27 vacancies on the board shall be filled by the appointing authority of that member within 30 days  
28 of the vacancy for the remainder of that term. Staff support services for the board shall be  
29 provided by the staff of the executive office of public safety and security as directed by the  
30 secretary.

31 (c) Section 178K of chapter 6, as so appearing in the General Laws of 2008, is hereby  
32 amended by deleting in line 33 the words "promulgate guidelines". And, insert in place thereof  
33 the following:- "apply the guidelines as developed by the sex offender management board." And  
34 furthermore, by deleting in line 38 the words "develop" through the word on line 39 and insert in  
35 place thereof the following:- "distribute the guidelines to municipal police departments in regard  
36 to." The board shall develop and prescribe evidence-based, standardized procedures and tools  
37 for identification, classification, evaluation, treatment and management of adult and juvenile sex  
38 offenders for determining the level of risk of reoffense, the degree of dangerousness posed to the  
39 public or relief from the obligation to register.

40 (d) Within 1 year of the effective date of this section, the board shall develop an  
41 evidence-based, standardized procedure for the risk assessment and identification of adult sex  
42 offenders and recommend behavior management, monitoring, assessment and treatment for adult  
43 sex offenders. The board shall develop and implement methods of intervention for adult sex  
44 offenders which have, as a priority, the physical and psychological safety of victims and  
45 potential victims and which are appropriate to the needs of the particular adult sex offender,  
46 taking into account the safety of victims and potential victims. The board shall establish a  
47 minimum hours of training requirement for professionals working with adult sex offenders. The  
48 board shall annually report its findings to the governor and the general court, along with any  
49 legislative recommendations.

50 (e) Within 2 years from creation of the board, all agencies shall implement guidelines and  
51 standards established by the board for the existing system of programs and for those developed  
52 in the future for the treatment and management of adult sex offenders that can be applied to  
53 offenders who are placed on probation, incarcerated with the department of corrections, placed  
54 on parole, or placed in community corrections. Such programs shall be structured in consultation  
55 with the judicial branch and in such a manner that the programs provide a continuing monitoring  
56 process, as well as a continuum of treatment programs for each offender as that offender

57 proceeds through the criminal justice system and may include, but shall not be limited to,  
58 evidence-based risk assessment, treatment such as group counseling, individual counseling,  
59 outpatient treatment, inpatient treatment, or treatment in a therapeutic community and the  
60 management and containment of adult sex offenders. Also, such programs shall be developed in  
61 such a manner that, to the extent possible, the programs may be accessed by all adult sex  
62 offenders in the criminal justice system.

63 (f) The board shall consult on, approve, and revise as necessary the evidence-based risk  
64 assessment screening instrument developed by the executive office of public safety and security  
65 to assist the sentencing court in determining the likelihood that an offender will commit 1 or  
66 more of the sex offenses defined in section 1 of chapter 123A. In carrying out this duty, the  
67 board shall consider sex offender risk assessment research.

68 (g) The board shall research and analyze the effectiveness of the risk assessment,  
69 identification, treatment, management procedures including containment and programs  
70 developed to manage adults with sexual behavior problems. The board shall also develop and  
71 prescribe a system for implementation of the guidelines and standards developed for tracking  
72 adult sex offenders who have been subjected to evidence-based risk assessment, identification,  
73 treatment, and management procedures including containment pursuant to this section.

74 (h) The board shall develop a system for monitoring adult sex offender behaviors and  
75 adult sex offender adherence to prescribed behavioral and medical interventions. The results of  
76 such behavioral and medical monitoring shall be a part of any analysis reported in the annual  
77 report pursuant to this section.

78 (i) Within 3 years from creation of said board, in collaboration with the department of  
79 corrections, the judicial branch, the parole board and the community access board, the board  
80 shall develop and implement criteria for measuring an adult sex offender's progress in treatment.  
81 Such criteria shall assist the court, the parole board and the community access board in  
82 determining whether a sex offender may appropriately be released from incarceration, whether  
83 the sex offender's level of supervision may be reduced, or whether the sex offender may  
84 appropriately be discharged from probation or parole. The criteria shall not limit the decision-  
85 making authority of the court, the parole board or the community access board. Section 5, of  
86 chapter 27 as so appearing in the Official Edition of the General Laws of 2008, is hereby  
87 amended on line 5 by inserting after the word, "conditions", the following:- utilizing the criteria  
88 designed by the sex offender management board. Section 1 of chapter 123A, as so appearing in  
89 the Official Edition of the General Laws of 2008, is hereby amended on line 14 by inserting after  
90 the word, "community", the following:- utilizing the criteria designed by the sex offender  
91 management board.

92 (j) Within 1 year of the effective date of this section, the board shall develop and  
93 prescribe an evidence-based standardized procedure and tools for the assessment, identification,

94 treatment and management of juvenile sex offenders and recommend behavior management,  
95 monitoring, assessment and treatment for juvenile sex offenders. Such procedures shall provide  
96 for an assessment and identification of the juvenile offender and recommend behavior  
97 management, monitoring, environmental support, treatment and compliance. The board shall  
98 develop methods of intervention for juvenile sex offenders that have as a priority the physical  
99 and psychological safety of victims and potential victims and which are appropriate to the needs  
100 of the particular adult sex offender. The board shall establish a minimum hours of training  
101 requirement for professionals working with juvenile sex offenders. The board shall annually  
102 report its findings to the governor and the general court, along with any legislative  
103 recommendations.

104 (k) Within 1 year, the board shall develop and implement guidelines and standards  
105 for a system of programs for the treatment and management of juvenile sex offenders that shall  
106 be utilized for juvenile sex offenders who are placed on probation, committed to the department  
107 of youth services, to the department of children and families, placed on parole, provided  
108 evaluation and treatment services by the department of children and families, or enrolled in an  
109 out-of-home placement or in family therapy. The programs developed pursuant to this  
110 subsection shall be as flexible as possible so that such programs may be utilized by each juvenile  
111 sex offender to prevent the offender from harming victims and potential victims. Such programs  
112 shall be structured to provide a continuing monitoring process, as well as a continuum of  
113 treatment programs for each juvenile sex offender as the juvenile offender proceeds through the  
114 juvenile justice or social services system and may include, but shall not be limited to, group  
115 counseling, individual counseling, family therapy, outpatient treatment, inpatient treatment, or  
116 treatment in a therapeutic community. Such programs shall be developed in such a manner that,  
117 to the extent possible, the programs may be accessed by all juvenile sex offenders committed to  
118 the department of youth services, the department of children and families, placed on parole,  
119 provided evaluation and treatment services by the department of children and families, or  
120 enrolled in an out-of-home placement or in family therapy.

121 (l) Within 1 year from creation, the board shall develop and implement a system by  
122 which progress and success in treatment of juvenile sex offenders may be measured.

123 (m) Within 2 years from creation, the board shall research and analyze the effectiveness  
124 of the evaluation, identification, treatment and management procedures and programs for  
125 juvenile sex offenders. The board shall also develop and prescribe a system for implementation  
126 of the guidelines and standards developed for tracking juvenile sex offenders who have been  
127 subjected to an evidence-based model of risk assessment, identification, treatment, or  
128 management of juvenile sex offenders. In addition, the board shall develop a system for  
129 monitoring offender behaviors and offender adherence to prescribed behavioral changes and  
130 medical treatment interventions. The results of such tracking and behavioral and medical  
131 monitoring shall be a part of any analysis made pursuant to this subsection.

132 (n) Within 3 years from creation, the board, in collaboration with law enforcement  
133 agencies, victim advocacy organizations, the department of education, the department of public  
134 health, and the department of public safety and security, shall develop for use by schools,  
135 educational materials and policies regarding general information about preventing sexual  
136 violence, adult and juvenile sex offenders, safety concerns related to adult and juvenile sex  
137 offenders, and other relevant materials. The board shall also consider how to provide  
138 educational opportunities for juvenile sex offenders in the school system. The board shall  
139 provide a statement and materials to the department of elementary and secondary education. The  
140 department of elementary and secondary education shall make the statement and materials  
141 available to schools in the state.

142 (o) The board and the individual members thereof shall be immune from any liability,  
143 whether civil or criminal, for the good faith performance of the duties of the board as specified in  
144 this section. Upon statewide implementation of the guidelines the board shall consult on,  
145 approve, and revise as necessary the guidelines developed for both adult and juvenile sex  
146 offenders consistent with the latest research findings.