

**SENATE . . . . . No. 1136**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Barry R. Finegold***

*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 children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>

**SENATE . . . . . No. 1136**

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 1136) of Barry R. Finegold, Colleen M. Garry and Marcos A. Devers for legislation relative to the protection of children. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to the protection of children.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect children, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

*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 178D of chapter 6 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting after the word “inclusive,” in line 34, the  
3 following:-

4 “, provided further, however, that there shall be a rebuttable presumption that the  
5 registration data of any offender who is convicted of a sex offense involving a child shall be  
6 published in the sex offender internet database if such offender was over 21 years of age at the  
7 time the crime was committed”.

8 SECTION 2. Section 178F½ of said chapter 6, as so appearing, is hereby amended by  
9 inserting after the word “inclusive,” in line 3, and after the word “offender”, in line 43, the  
10 following:-

11 “or who is required to register due to their status as an offender who was convicted of a  
12 sex offense involving a child pursuant to section 178D”.

13 SECTION 3. Section 178I of said chapter 6, as so appearing, is hereby amended by  
14 inserting after the word “offender”, in line 15, the following:-

15 V<sup>“</sup>, or if the board has determined that the offender’s registration information shall be  
16 published due to their status as an adult over 21 years of age who was convicted of a sex offense  
17 involving a child pursuant to section 178D”.

18 SECTION 4. Subsection (c) of section 178J of said chapter 6, as so appearing, is hereby  
19 amended by inserting after the words “section 178K”, in line 45, the following:-

20 V<sup>“</sup>or an offender who is required to register due to their status as an offender who was  
21 convicted of a sex offense involving a child pursuant to section 178D”.

22 SECTION 5. Section 178L of said chapter 6, as so appearing, is hereby amended by  
23 inserting after subsection (2) the following subsection:-

24 (3) (a) The board may, on its own initiative, seek to reclassify any registered and finally  
25 classified sex offender upon receipt of any information that indicates the offender may present an  
26 increased risk to reoffend or degree of dangerousness. This could be based on, but not limited to,  
27 information indicating the sex offender has: (i) committed a new sex offense; (ii) been  
28 terminated from sex offender specific treatment; (iii) violated the terms or conditions of  
29 community supervision; (iv) been incarcerated more than 60 consecutive days at any time  
30 following final classification; (v) failed to comply with the provisions of chapters 178C through  
31 178Q, inclusive; or (vi) demonstrated a lack of stability in daily living.

32 (b) If a majority of the full board determines that the offender may present an increased  
33 risk to reoffend or degree of dangerousness, it shall authorize a review of the offender's present  
34 classification level. The board shall then notify the sex offender that his classification level is  
35 being reevaluated. The board shall follow the procedures detailed in this section to arrive at a  
36 recommended reclassification level for the offender.

37 (c) If the offender rejects the recommended reclassification level, the offender may  
38 request a hearing.

39 (d) If the offender is reclassified, the board shall update the information pertaining to the  
40 offender in the sex offender registry and shall also notify the sex offender and law enforcement  
41 agencies that the offender has been reclassified. In addition, the offender shall be required to  
42 comply with all registration requirements that apply to the offender’s reclassified level.

43 (e) Any district attorney who receives a complaint against a registered sex offender and  
44 declines to prosecute such offender shall forward the complaint to the board for review and  
45 possible reclassification of the offender.

46 SECTION 6. Subsection (b) of section 8 of chapter 15D of the General Laws, as so  
47 appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

48           “The regulations shall establish a uniform disclosure form providing licensure  
49 information for school-aged child care programs, child care centers, family child care homes and  
50 large family child care homes. Such form shall state, in a conspicuous manner, that the program  
51 or center is licensed by the department and provide a copy of said license, and shall also include  
52 the telephone number and address of the department’s regional office responsible for the  
53 program. The regulations shall require that all school-aged child care programs, child care  
54 centers, family child care homes and large family child care homes distribute the uniform  
55 disclosure form to families prior to enrollment of their child.”

56           SECTION 7. Section 9 of chapter 15D of the General laws, as so appearing, is hereby  
57 amended by inserting after subsection (c) the following subsection:-

58           “(d) The department shall publish inspection reports and the regulatory compliance  
59 history of school-aged child care programs, child care centers, family child care homes and large  
60 family child care homes on the internet.”