SENATE DOCKET, NO. 1667 FILED ON: 1/18/2013

SENATE . . . . . No. 815

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 enhancing assessment information of the sexual offender registration board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Matthew A. Beaton	*11th Worcester*
Katherine M. Clark	*Fifth Middlesex*
Angelo L. D'Emilia	*8th Plymouth*
Geoff Diehl	*7th Plymouth*
Stephen L. DiNatale	*3rd Worcester*
Diana DiZoglio	*14th Essex*
James J. Dwyer	*30th Middlesex*
Kimberly N. Ferguson	*1st Worcester*
Ann-Margaret Ferrante	*5th Essex*
Barry R. Finegold	*Second Essex and Middlesex*
Paul K. Frost	*7th Worcester*
Robert L. Hedlund	*Plymouth and Norfolk*
Donald Humason	
Bradley H. Jones, Jr.	*20th Middlesex*
John D. Keenan	*7th Essex*
Michael R. Knapik	*Second Hampden and Hampshire*
Kevin J. Kuros	*8th Worcester*

Michael O. Moore	*Second Worcester*
Shaunna O'Connell	*3rd Bristol*
Keiko M. Orrall	*12th Bristol*
George N. Peterson, Jr.	*9th Worcester*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Michael F. Rush	*Norfolk and Suffolk*
James E. Timilty	*Bristol and Norfolk*
Daniel B. Winslow	*9th Norfolk*

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SENATE . . . . . No. 815

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 815) of Bruce E. Tarr, Matthew A. Beaton, Katherine M. Clark, Angelo L. D'Emilia and other members of the General Court for legislation to enhance assessment information of the sexual offender registration board. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An act enhancing assessment information of the sexual offender registration board.

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

SECTION 1. Subsection (a) of section 178E of chapter 6 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:-

The board shall notify the sex offender and the local police department in the city or town in which such sex offender lives or intends to live, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex offender has a secondary address, works or attends an institution of higher learning, that the offender must report in person to that police department, within 2 days of release from custody, to register.

SECTION 2. Section 178F ½ of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:-

An incarcerated sex offender finally classified by the board as a level 2 or a level 3 sex offender who is required to register pursuant to sections 178C to 178P, inclusive, shall appear in person within 2 days of release from custody at the local police department in the city or town in which such sex offender lives, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex offender has a secondary address, works or attends an institution of higher learning, to register. A sex offender finally classified by the board as a level 2 or a level 3 sex offender who is required to register pursuant to sections 178C to 178P, inclusive, shall appear in person annually at the local police department in the city or town in which such sex offender lives, or if such sex offender does not reside in the commonwealth, in

20 the city or town in which such sex offender has a secondary address, works or attends an
21 institution of higher learning, to verify that the registration data on file remains true and accurate.

22 SECTION 3. Section 178J of said chapter 6 is hereby amended by inserting after
23 subsection (c), as so appearing, the following subsection:-

24 (d) If the search of the sex offender registry conducted pursuant to clause (1), (2) or (3) of
25 subsection (b) results in the identification of a sex offender required to register pursuant to this
26 chapter who has been finally classified by the board as a level 1 offender under section 178K, the
27 police shall disseminate to the person making the inquiry:

28 (1) the name of the sex offender;

29 (2) the sex offender's classification level; and

30 (3) the offense for which he was convicted or adjudicated and the dates of such
31 conviction or adjudication.

32 SECTION 4. The first sentence of subsection (2) of section 178K of said chapter 6, as so
33 appearing, is hereby amended by inserting after the word "register" the following words:-

34 , provided that conviction of a crime constituting a sex offense involving a child as that
35 term is defined in section 178C shall create a rebuttable presumption of classification no lower
36 than level 2

37 SECTION 5. Section 178K of chapter 6 of the General Laws, as appearing in the 2010
38 Official Edition, is hereby amended by inserting after the word "predator", in line 194, the
39 following:-

40 and shall occur not less than every 90 calendar days; and provided further, however, that
41 a sex offender designated as a sexually violent predator shall appear in person not less than
42 every 90 calendar days at the local police department in the city or town in which such sex
43 offender lives, or if such sex offender does not reside in the commonwealth, in the city or town
44 in which such sex offender has a secondary address, works or attends an institution of higher
45 learning, to verify that the registration data on file remains true and accurate.

46 SECTION 6. Section 178L of chapter 6 of the General Laws, as so appearing, is hereby
47 amended by adding the following subsection:-

48 (3) (a) The board may, upon its own motion or pursuant to a written request from a
49 district attorney, police department, victim of a sex offense, or agent, employee or representative
50 of the office of health and human services, consider the reclassification of a registered and finally
51 classified sex offender. Upon review of any information useful in assessing the risk of reoffense
52 and the degree of dangerousness posed to the public by the sex offender, the board may vote to
53 reconsider the classification of the finally classified sex offender. The board shall maintain a

54 certified record of requests to reconsider made by a district attorney or police department;
55 provided, however, that a district attorney or police department may file a motion with the board
56 to make an expedited recommended reclassification upon a showing that such sex offender poses
57 a grave risk of imminent reoffense. If the petition is granted, the board shall make such
58 recommendation within 10 days. If the petition is not granted, the board shall make such
59 recommendation to reconsider in an otherwise timely manner.

60 (b) A reconsideration of classification shall not occur without the approval of not less
61 than 4 members of the board. The board shall promptly notify the sex offender of an affirmative
62 vote to reconsider the present classification level of the sex offender.

63 (c) Upon review of any information useful in assessing the risk of reoffense and the
64 degree of dangerousness posed to the public by the sex offender, including materials described in
65 the board guidelines or any information provided by a district attorney, police department, victim
66 of a sex offense, or agent or employee of the office of health and human services and any
67 materials submitted by the sex offender, the board shall reclassify the sex offender as provided
68 for by the classification process of this section; provided, however, that the reclassification of a
69 sex offender on a petition granted by the board from an expedited recommended reclassification
70 request from a district attorney or police department shall be made by the board within ten days
71 of the expiration of the time to submit documentary evidence.

72 SECTION 7. Section 178M of chapter 6 of the General Laws, as so appearing, is hereby
73 amending by inserting after the word "classification", in line 2, the following word:-
74 "reclassification".

75 SECTION 8. Section 178P of chapter 6 of the General Laws, as so appearing, is hereby
76 amended by adding the following subsection:-

77 (2) Whenever a police officer, district attorney, or agent, employee or representative of
78 the office of health and human services has information that may be relevant to the assessment of
79 a sex offender's risk to reoffend or degree of dangerousness, the police department, district
80 attorney, or health and human services agent, employee or representative shall forward to the
81 board said information; provided, however, that a police department or district attorney need not
82 forward information to the board that it believes will compromise an ongoing investigation.