

HOUSE No. 2145

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 the interagency council on management of adult and juvenile sexual offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/15/2015</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2015</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/2/2015</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/1/2015</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/4/2015</i>

HOUSE No. 2145

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2145) of Kay Khan and others for legislation to establish within the Executive Office of Public Safety and Security an interagency council on the management of adult and juvenile sexual offenders. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the creation of the interagency council on management of adult and juvenile sexual 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 Chapter 6A of the General Laws, as appearing in the 2012 Official Edition, is hereby
2 amended by inserting after section 18 3/4 the following section:-

3 Section 18 7/8 (a). In this section, the following words, unless the context otherwise
4 requires, shall have the following meanings:

5 “Adult sex offenders”, persons convicted of a sexual offense in the district or superior
6 courts of Massachusetts who require classification by the sex offender registry board or have
7 been convicted in another jurisdiction of a sexual offense that would require classification by the
8 sex offender registry board had the conviction for the offense occurred in Massachusetts.

9 “Juvenile sexual offenders”, persons found delinquent for a sexual offense or found to be
10 a youthful offender for a sexual offense in the juvenile court in Massachusetts, found delinquent

11 of a sexual offense in the court system of another jurisdiction that would require classification by
12 the sex offender registry board had the adjudication occurred in Massachusetts. Juveniles who
13 have been properly relieved of their obligation to register with the sex offender registry board
14 registry by the juvenile court shall not be considered juvenile sexual offenders.

15 “Juveniles”, all persons under the age of 18, except for those who have been convicted of
16 a sexual offense in district or superior court, or, who have been sentenced to serve a term in a
17 state correctional facility or prison for a sexual offense in a youthful offender proceeding before
18 the juvenile court.

19
20 (b). There is hereby created in the executive office of public safety and
21 security, the interagency council on management of adult and juvenile sexual offenders.

22
23 The members of the council focusing on adult sexual offenders shall be: the secretary of
24 public safety and security or designee; the undersecretary of housing and economic development
25 or designee; the chairman of the sex offender registry board or designee; the attorney general or
26 designee; the commissioner of probation or designee; the commissioner of corrections or
27 designee; the chief justices of the superior court and district court, or designees; the secretary of
28 executive office of health and human services or designee; a representative of the Massachusetts
29 District Attorneys Association; a representative of the Massachusetts Chiefs of Police
30 Association; a representative of the parole board; and the chief counsel of the committee for
31 public counsel services or designee; the executive director of the Massachusetts Children’s
32 Alliance or designee, the executive director of Jane Doe, Inc. or designee; the executive director

of a provider of clinical services to adult sexual offenders or designee who is not an official within Massachusetts Association for the Treatment of Sexual Abusers, Inc. or a direct employee of a state agency; and the president of the Massachusetts Association for the Treatment of Sexual Abusers, Inc. or designee.

The members of the council focusing on juveniles shall be: the secretary of public safety and security or designee; the chairman of the sex offender registry board or designee; the commissioner of probation or designee; the commissioner of the department of youth services or designee; the commissioner of the department of children and families or designee; the chief justice of the juvenile court or designee; the child advocate or designee; the secretary of executive office of health and human services or designee; a representative of the Massachusetts District Attorneys Association; a representative of the Massachusetts Chiefs of Police Association; a representative of the parole board; a member of the state police; the chief counsel of the committee for public counsel services or designee, the executive director of the Massachusetts Children's Alliance or designee; the executive director of Jane Doe, Inc. or designee; the president of the Massachusetts Adolescent Sex Offender Coalition, Inc. or designee; the president of the Massachusetts Association for the Treatment of Sexual Abusers, Inc. or designee; and a representative of the Massachusetts Alliance of Juvenile Court Clinics.

A chairperson and vice-chair of the council shall be appointed by the governor. Members shall serve for a term of 4 years, with the members initially appointed serving staggered terms. Members may be reappointed. Appointees shall have professional expertise working with adult or juvenile sex offenders or victims of sexual abuse. Additionally, those with expertise in this field may be asked to provide information and data to the board, especially as it relates to the current research and evidence-based practice for working with adult and juvenile sex offenders.

If a member is unable to adequately perform the member's duties, the member is subject to removal from the council by a majority vote of either the adult or the juvenile group on which they serve. Any vacancies on the council shall be filled by the appointing authority of that member in consultation with that council's chair within 30 days of the vacancy for the remainder of that term. Staff support services for the council shall be provided by the staff of the executive office of public safety and security as directed by the secretary.

(c)(1). Within 1 year of the effective date of this section, the council members focusing upon adults shall recommend research-based methods of assessment, treatment and risk management for adult sex offenders that shall be guided by the physical and psychological safety of victims and the community and when they are applied they are matched to the adult sex offender's needs. The council shall recommend a specific course of professional development and a minimum number of hours of training required for professionals working with adult sex offenders that are consistent with licensing requirements of the respective professions.

(2). Within 2 years from the creation of the council, all agencies serving adult sex offenders shall implement guidelines and standards established by the council for the existing system of programs and for those developed in the future for the assessment, treatment and management of adult sex offenders that can be applied to offenders who are placed on probation, incarcerated with the department of corrections or county houses of correction, placed on parole, placed on probation including community corrections, or receiving services from any executive office of health and human services agency or contracted through any executive office of health and human services agency including, but not limited to, the department of mental health, the department of developmental services, and the department of public health.

(3). The council shall recommend a system by which progress and evidence-based outcomes in the assessment, treatment and management of adult sex offenders will be measured. Further, the council shall describe and recommend how these evidence-based outcomes shall be incorporated into an ongoing process of research-informed quality assurance and improvement for the sustained development of policy and practice regarding adult sex offenders, including but not limited to, description of integrated data sets to which the Trial Court, Department of Corrections, Department of Mental Health, and community-based and facility based providers of services relevant to risk assessment and management of adult sexual offenders shall contribute data and outcome measures.

(4). Within 2 years from the creation of the council, all state agencies serving adult sex offenders shall provide a written report annually to the council on their progress in implementing the council's recommendations including a report on the outcomes of the assessment, treatment, and management guidelines, progress in implementing professional development and training recommendations, and a rationale for any divergence from the council's recommendations.

(d)(1). Within 1 year of the effective date of this section, the council shall recommend research-based guidelines and outcome measures for the identification, assessment, treatment and management of juvenile sex offenders for state agencies including but not limited to probation, department of youth services, department of mental health, department of children and families, department of developmental services, the department of education, and for social and clinical services providers for services including but not limited to community-based out of home placements, residential treatment programs, outpatient psychotherapies, and inpatient psychiatric units serving children and adolescents. Further, the council shall describe and

101 recommend how these evidence-based outcomes shall be incorporated into an ongoing process of
102 research-informed quality assurance and improvement for the sustained development of policy
103 and practice regarding juvenile sexual offenders, including but not limited to, description of
104 integrated data sets to which the departments, agencies and organizations detailed above shall
105 contribute data and outcome measures.

106 (2). The council members focusing on juveniles shall recommend guidelines
107 for the assessment, treatment and management of juvenile sex offenders that shall be guided by
108 the physical and psychological safety of victims and communities and when they are applied
109 they are matched to the juvenile sex offender's needs. The council shall recommend a specific
110 course of professional development and a minimum number of hours of training required for
111 professionals working with juvenile sex offenders specified above and consistent with licensing
112 requirements.

113 (3). Within 2 years from creation of the council, all state agencies directly
114 serving or contracting with providers to serve juvenile sex offenders shall submit a written report
115 annually to the council on their progress in implementing the council's recommendations that
116 includes a report on the implementation of the recommended guidelines and outcomes of the
117 assessment, treatment, management guidelines as they are implemented, the implementation of
118 professional development and training standards and a rationale for any divergence from the
119 council's recommended guidelines.

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121 (e). Within 3 years from creation, the council, in collaboration with law
122 enforcement agencies, victim advocacy organizations, the department of education, the

department of public health, the executive office of public safety and security and any other state agency, as directed by the governor, shall recommend education and policy approaches regarding a public information and education campaign focused upon preventing sexual offenses, reducing recidivism among adult and juvenile sexual offenders. The council shall also offer recommendations regarding the provision of educational opportunities for juvenile sex offenders who would otherwise be eligible for educational services, including juveniles eligible for special educational services to age 22. The council shall provide recommendations to the department of elementary and secondary education. The department of elementary and secondary education shall make these recommendations available to schools in the state.

(f). The council shall report annually, no later than October 1, its recommendations, including specific legislative recommendations, guidelines, and concerns to the governor and the general court. The report shall be filed with the clerks of the senate and the house, the senate and the house committees on ways and means, the joint committee on children, families and persons with disabilities, the joint committee on public safety, the child advocate and the governor.

(g). Upon statewide implementation of the recommendations and guidelines the council, no less than every 5 years, shall consult on, approve and revise as necessary the guidelines developed for both adult and juvenile sex offenders consistent with the latest research findings.

(h). The council and the individual members thereof shall be immune from any liability, resulting from implementation of this section.