

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Heroux

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 juvenile sex offender registration.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Paul R. Heroux

2nd Bristol

Chris Walsh

6th Middlesex

HOUSE No.

By Mr. Heroux of Attleboro, a petition (subject to Joint Rule 12) of Paul R. Heroux and Chris Walsh relative to juvenile sex offender registration. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to juvenile sex offender registration.

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 178G of chapter 6 of the General Laws, as appearing in the 2014 official edition,
2 is hereby amended by adding the following paragraph:-

3 When a registered juvenile sex offender reaches 21 years of age and has been released
4 from the custody or supervision of the Department of Youth Services, the Department of
5 Correction, a County House of Correction, Massachusetts Probation Services or the
6 Massachusetts Parole Board, whichever last occurs, that person may petition the court to
7 terminate their obligation to register as a sex offender, unless that person is classified as a tier III
8 sex offender under the Sex Offender Registration and Notification Act, 42 U.S.C.A. section
9 16911, in which case their duty to register may not be terminated prior to 25 years after release
10 from custody or supervision with a demonstrated clean record. If the court determines at a
11 hearing that the person who has been registered as a sex offender from an offense committed as a
12 juvenile is likely to or does pose an ongoing serious or aggressive threat to the public for a
13 subsequent sex offense, the court shall order that the delinquent act be deemed an adult criminal

14 conviction for the purpose of registration, notification, and public information access pursuant to
15 this chapter. If the court determines the person is not likely to or does not pose an ongoing
16 serious or aggressive threat to the public, the court shall order that the person is no longer
17 required to register as a sex offender and shall order the board to delete the person's information
18 from the sex offender registry. The attorney general or district attorney shall have the right to be
19 heard and the right to have the person assessed. In making its determination, the court shall
20 consider:

21 (1) the likelihood the petitioner will reoffend, based on a risk assessment or an
22 evaluation by a licensed mental health professional having attained a PhD, MD or PsyD, the cost
23 of which shall be borne by the petitioner unless the petitioner is indigent;

24 (2) the age of the petitioner at the time of the offense;

25 (3) mitigating factors, including whether the petitioner has completed any treatment
26 programs;

27 (4) aggravating factors including, but not limited to, use of force or weapons;

28 (5) any assessments of the person performed at the request of the attorney general or
29 district attorney; and

30 (6) other factors the court considers relevant.