

SENATE No. 933

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 relative to sexually violent predators.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|-------------------------------------|
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i> |
| <i>Donald F. Humason, Jr.</i> | <i>Second Hampden and Hampshire</i> |

SENATE No. 933

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 933) of Bruce E. Tarr, Viriato M. deMacedo and Donald F. Humason, Jr. for legislation relative to sexually violent predators. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to sexually violent predators.

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 178C of Chapter 6 as appearing in the 2014 Official Edition is
2 hereby amended by inserting in after the lines 153-161 the definition of “sexually violent
3 predator” and inserting in place thereof the following:-

4 “Sexually Violent Predator”, as determined by the board pursuant to 803 CMR 1.31 or if
5 the offender meets any of the following criteria:

6 (1)A person who has been convicted of a sexually violent offense or who has been
7 adjudicated as a youthful offender or as a delinquent juvenile by reason of a sexually violent
8 offense, or a person released from incarceration, parole, probation supervision or commitment
9 under chapter 123A or custody with the department of youth services for such a conviction or
10 adjudication, whichever last occurs, or after August 1, 1981, and who suffers from a mental
11 abnormality or personality disorder that makes such person likely to engage in predatory
12 sexually violent offense; or

13 (2)An offender who has finally been given a level 3 classification who has been
14 convicted of a sex offense involving a child as defined in this section and or a sexually violent
15 offense as defined in this section, or sexually violent offense pursuant to the Jacob Wetterling
16 Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section
17 14071; or

18 An offender deemed a sexually violent predator and in addition to annual verification,
19 shall appear in person every 90 calendar days at the local police department to verify the
20 registration data on file as established under 803 CMR 1.31.

21 SECTION 2. Section 178M of Chapter 6 as appearing in the 2014 Official Edition is
22 hereby amended in line 1 by inserting after the word, “offender” the following:-

23 Or the Board’s General Counsel or its designee

24 SECTION 3. Chapter 6 as appearing in the 2014 Official Edition is hereby amended by
25 inserting after section 178Q the following new section:-

26 6:178R. Audit of the Sex Offender Registry Board

27 Section 178R. The auditor of the commonwealth shall annually conduct an audit of the
28 operations of the sex offender registry board, and shall examine elements including but not
29 limited to: (1) prioritization of cases, (2) criteria for assignment of cases; (3) manner of keeping
30 and maintaining records pertaining to past violations for registration; (4) the manner and process
31 for the scheduling of cases; and (4) their performance in security timely process and adjudication
32 of classifications.

33 SECTION 4. Section 3 shall expire on January 1, 2021