HOUSE DOCKET, NO. 2134 FILED ON: 1/19/2017

HOUSE . . . . . No. 2300

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 removing state funded counsel from sex offender classification hearings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Bradley H. Jones, Jr.	*20th Middlesex*	*1/19/2017*
Susan Williams Gifford	*2nd Plymouth*	*3/14/2018*
Paul K. Frost	*7th Worcester*	*3/14/2018*
Todd M. Smola	*1st Hampden*	*2/3/2017*
Angelo L. D'Emilia	*8th Plymouth*	*3/14/2018*
Sheila C. Harrington	*1st Middlesex*	*3/14/2018*
Steven S. Howitt	*4th Bristol*	*3/14/2018*
Randy Hunt	*5th Barnstable*	*3/14/2018*
Nicholas A. Boldyga	*3rd Hampden*	*3/14/2018*
Kimberly N. Ferguson	*1st Worcester*	*3/14/2018*
Shaunna L. O'Connell	*3rd Bristol*	*3/14/2018*

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HOUSE . . . . . No. 2300

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2300) of Bradley H. Jones, Jr., and others relative to access to state funded counsel during sex offender classification hearings. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1406* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act removing state funded counsel from sex offender classification hearings.

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. Section 178L of chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking in paragraph (a), in lines 28 through 36, inclusive, the words, "his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding." and inserting in place thereof the words: and his right to retain counsel to represent him at such hearing.

SECTION 2. Section 178L of chapter 6 of the General Laws, as so appearing, is hereby further amended by striking in paragraph (c), in lines 70 through 80, inclusive, the words, “his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding.” and inserting in place thereof the words:- and his right to retain counsel to represent him at such hearing.

SECTION 3. Section 178L of chapter 6 of the General Laws, as so appearing, is hereby further amended by striking in subsection (2), in lines 91 through 94, inclusive, the sentence “The board shall inform offenders requesting a hearing under the provisions of subsection (1) of their right to have counsel appointed if a sex offender is deemed to be indigent as determined by the board using the standards under chapter 211D.”

SECTION 4. Section 178M of chapter 6 of the General Laws, as so appearing, is hereby amended by striking, in lines 3 through 6 inclusive, the sentence, “The court shall, if requested, appoint counsel to represent the sex offender in the proceedings if such sex offender is deemed indigent in accordance with section 2 of chapter 211D.”