

HOUSE No. 3659

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Walsh and Paul F. Tucker

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 improvements and enhancements of the Sex Offender Registry Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/17/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/1/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/24/2019</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>2/1/2019</i>

HOUSE No. 3659

By Messrs. Walsh of Peabody and Tucker of Salem, a petition (accompanied by bill, House, No. 3659) of Thomas P. Walsh, Paul F. Tucker and others relative to the Sex Offender Registry Board. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to improvements and enhancements of the Sex Offender Registry Board.

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 178D of chapter 6 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding after the third paragraph the following paragraph:-

3 When an offender who is required to register pursuant to said sections 178C to 178P,
4 inclusive, fails to do so, an electronic notification generated by the database or some other
5 electronic means established by the board, shall be automatically transmitted to the point of
6 contact within any municipality where the offender failed to register.

7 SECTION --2. Section 178E of said chapter 6, as so appearing, is hereby amended by
8 adding the following subsection:-

9 (r) The chief of police of a municipality may designate in writing to the board an official
10 point of contact for the purpose of communicating with the board and other departments or
11 agencies in connection with sex offender registration pursuant to sections 178C to 178P,

12 inclusive. If such designation is not made, the chief of police shall serve as the official point of
13 contact for the municipality.

14 SECTION 3. Section 178F ½ of said chapter 6, as so appearing, is hereby amended by
15 striking out, in lines 1 and 2, the words “finally classified by the board as a level 2 or level 3 sex
16 offender”.

17 SECTION 4. Said section 178F ½ of said chapter 6, as so appearing, is hereby further
18 amended by striking out, in lines 16 and 17, the words “who is finally classified by the board as a
19 level 2 or level 3 offender and”.

20 SECTION 5. Said section 178F ½ of said chapter 6, as so appearing, is hereby further
21 amended by striking out, in line 60, the words “finally classified as a level 2 or level 3 offender”.

22 SECTION 6. Said chapter 6 is hereby further amended by inserting after section 178K
23 the following section:-

24 Section 178K ½ . Upon determining that an offender has an obligation to register but
25 before final classification, the board shall enter and maintain information on the sex offender
26 internet database to identify the offender and any convictions or adjudications against the
27 offender, including the dates of such convictions or adjudications. The information entered and
28 maintained pursuant to this section shall only be made available to those departments and
29 agencies that are authorized to access information regarding a level 1 sex offender.

30 SECTION 7. Section 178P of said chapter 6, as so appearing, is hereby further amended
31 by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

32 Whenever a police department of a municipality has probable cause to believe that a sex
33 offender who has registered in that municipality has failed to comply with the registration
34 requirements of sections 178C to 178P, the police department shall, within 10 business days,
35 apply for a warrant authorizing the arrest of the offender.

36 Notwithstanding the preceding paragraph, whenever a police officer has probable cause
37 to believe that a sex offender has failed to comply with the registration requirements of sections
38 178C to 178P, inclusive, such officer shall have the right to arrest such sex offender without a
39 warrant and to keep such sex offender in custody.

40 SECTION 8. Chapter 6 is hereby amended by inserting after section 178Q the following
41 section:-

42 Section 178R. (a) As used in this section, the following terms shall, unless the context
43 clearly requires otherwise, have the following meanings:-

44 “Board”, the sex offender registry board.

45 “Eastern region”, the geographical region of the commonwealth consisting of the
46 counties of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth and
47 Suffolk.

48 “Sex offender”, the meaning provided in section 178C.

49 “Western region”, the geographical region of the commonwealth consisting of the
50 counties of Berkshire, Franklin, Hampden, Hampshire and Worcester.

51 (b) Notwithstanding any general or special law to the contrary, the registration and
52 classification of sex offenders who are incarcerated in a department of correction facility or a

53 house of correction shall be managed on a regional basis pursuant to the provisions of this
54 section to ensure that sex offenders are registered and classified before they are released from
55 custody.

56 (c) An individual who has been adjudicated as a sex offender and is being released from
57 a department of correction facility or a house of correction in the commonwealth, shall register
58 with the board 120 days before release. In registering, the offender shall disclose all primary and
59 secondary post-release addresses.

60 (d) A sex offender who is incarcerated in a department of correction facility or a house of
61 correction located in the eastern region of the commonwealth, shall be transferred to the house of
62 correction in Barnstable county 30 days before the offender's release, unless the offender is
63 already incarcerated in the house of correction in Barnstable county. The board, in consultation
64 with the Barnstable county sheriff, shall provide regional hearing officers in Barnstable county to
65 ensure the registration and classification of sex offenders before their release from custody.

66 (e) A sex offender who is incarcerated in a department of correction facility or a house of
67 correction located in the western region of the commonwealth, shall be transferred to the house
68 of correction in Hampden county 30 days before the offender's release, unless the offender is
69 already incarcerated in the house of correction in Hampden county. The board, in consultation
70 with the Hampden county sheriff, shall provide regional hearing officers in Hampden county to
71 ensure the registration and classification of sex offenders before their release from custody.

72 (f) This section shall be subject to appropriation and available funding dedicated to the
73 Barnstable and Hampden county sheriff's departments for the purpose of implementing the
74 requirements of this section.

75 (g) The board shall promulgate regulations as are necessary to carry out this section.

76 SECTION 9. (a) There shall be a special commission established pursuant to section 2A
77 of chapter 4 of the General Laws to study how technology may be utilized in legal proceedings
78 involving incarcerated sex offenders and the monitoring of sex offenders. The commission shall
79 consist of the following 9 members: the house and senate chairs of the joint committee on public
80 safety and homeland security or their designees, who shall serve as co-chairs for the commission;
81 the house and senate chairs of the joint committee on the judiciary or their designees; the
82 minority leader of the house of representatives or a designee; the minority leader of the senate or
83 a designee; the executive director of the sex offender registry board or a designee; the executive
84 director of the office of community corrections or a designee; and the secretary of technology
85 services and security or a designee.

86 (b) The study shall include: (i) a review of 178F $\frac{3}{4}$ of chapter 6 of the General Laws and
87 all relevant court decisions for the purposes of exploring options for amending said section 178F
88 $\frac{3}{4}$ to require or allow the use of global positioning system devices for homeless sex offenders in
89 a manner that meets applicable constitutional requirements; and (ii) a review of the efficacy and
90 feasibility of utilizing teleconferencing or similar technology in certain legal proceedings
91 involving incarcerated sex offenders .

92 (c) The commission shall submit a report on its findings and recommendations, including
93 any drafts of legislation, if any, necessary to implement those recommendations, by filing the
94 same with the clerks of the house of representatives and the senate, the chairs of the joint
95 committee on public safety and homeland security and the chairs of the joint committee on the

96 judiciary no later than 365 days after the commission's first meeting, which shall take place not
97 later than 45 days after the effective date of this act.