SENATE DOCKET, NO. 880 FILED ON: 2/9/2021

SENATE . . . . . No. 1116

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 level-three sex offender residency restrictions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patrick M. O'Connor	*Plymouth and Norfolk*

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SENATE . . . . . No. 1116

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1116) of Patrick M. O'Connor for legislation relative to level-three sex offender residency restrictions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1003* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to level-three sex offender residency restrictions.

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. Definitions. For the purpose of this section, the following terms shall have the respective meanings ascribed to them:

"Adult criminal level 3 sex offender". a person convicted of a criminal sex offense and designated as a Level 3 sex offender by the Massachusetts Sex Offender Registry Board. The Board has determined that these individuals have a high risk to reoffend and that the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active community notification.

"GIS". geographic information system.

"School". a licensed or accredited public or private school or church school that offers instruction in pre-school, including a licensed day care or other business permitted as a school, or

any of grades Kindergarten through Grade 12. This definition shall not include private residences in which students are taught by parents or tutors.

SECTION 2. A city or town which accepts this section in the manner provided in section 4 of chapter 4 may impose a local zoning restriction on the residency of level three-sex offenders in the following manner:

(a) Any community that, by majority vote of the city council or town meeting, shall make it unlawful for any adult criminal Level 3 sex offender to establish a residence or any other living accommodations within 1500 feet of the property on which any school, day-care center, park, or recreational facility open to the public is located. The fifteen-hundred-foot restriction shall be measured in a straight line from the nearest property line upon which the house, apartment complex, condominium complex, motel, hotel or other residence is located to the property line of the nearest school, day-care center, park, or recreational facility. Distances will be taken from the state's GIS system, and GIS services to the state shall be presumed accurate and shall be evidence of a violation.

(b) Changes to property resulting in a school, day-care center, park, or recreational facility within 500 feet of an adult criminal Level 3 sex offender's registered address which occur after an adult criminal Level 3 sex offender establishes residency shall not form the basis for finding that a criminal sex offender is in violation of this section.

(c) Level 3 registered sex offenders who reside on a permanent or temporary basis within 500 feet of any school, day-care center, park, or recreational facility following passage of this section shall be in violation of this section and shall, within 30 days of receipt of written notice of the registered sex offender's noncompliance with this section, move from said location to a

new location, but said new location may not be within 1500 feet of any school, day-care center, park, or recreational facility. The first day following the thirty-day written notice shall be considered the first violation. Following the first violation, every day that the registered sex offender continues to reside within 1500 feet of any school, day-care center, park, or recreational facility shall be considered a separate violation.