HOUSE DOCKET, NO. 782 FILED ON: 1/14/2013

HOUSE . . . . . No. 2157

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 passage of the accompanying:

An Act relative to the creation of a sex offender management board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
Ellen Story	*3rd Hampshire*
Marcos A. Devers	*16th Essex*
Cory Atkins	*14th Middlesex*
Denise Andrews	*2nd Franklin*
F. Jay Barrows	*1st Bristol*
Cheryl A. Coakley-Rivera	*10th Hampden*
James J. Dwyer	*30th Middlesex*
Sean Garballey	*23rd Middlesex*
Kenneth I. Gordon	*21st Middlesex*
John J. Lawn, Jr.	*10th Middlesex*
William Smitty Pignatelli	*4th Berkshire*
Aaron Vega	*5th Hampden*

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HOUSE . . . . . No. 2157

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2157) of Kay Khan and others for legislation to establish a sex offender management board within the Executive Office of Public Safety. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2407* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to the creation of a sex offender management board.

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. Chapter 6A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 18 3/4 the following section:-

Section 18 7/8. (a) There is hereby created in the executive office of public safety and security, the sex offender management board, hereinafter, the board.

(b) The members of the board shall be: the secretary of public safety and security or designee; the chairman of the sex offender registry board or designee; the attorney general or designee; the commissioner of probation or designee; the commissioner of corrections or designee; the commissioner of the department of youth services or designee; the commissioner of the department of children and families or designee; the commissioner of the department of elementary and secondary education or designee: the chief justices of the superior court, district court, and juvenile court or designees; the child advocate or designee; the secretary of executive office of health and human services or designee; a representative of the Massachusetts District Attorney's Association; a representative of the Massachusetts Chiefs of Police Association; a representative of the parole board; a member of the state police; and chief counsel of the committee for public counsel services or designee. Additionally, the governor shall appoint 5 persons; 1 from the Massachusetts Children Alliance and 1 from Jane Doe, Inc.; 2 persons representing research or sex offender treatment and management organizations; 1 from the Massachusetts Adolescent Sex Offender Coalition; and 1 from the Massachusetts Association for

19 the Treatment of Sexual Abusers. A chairman and vice-chair are to be appointed by the
20 Governor. Members appointed by the governor shall serve for a term of 4 years, with the
21 members initially appointed serving staggered terms. Members may be reappointed. Appointees
22 shall have prior proven experience working with adult and juvenile sex offenders. Additionally,
23 those with expertise in this field may be asked to provide information and data to the board,
24 especially as it relates to the current research and evidence-based practice for working with adult
25 and juvenile sex offenders. If a member is unable to adequately perform the member's duties,
26 the member is subject to removal from the board by a majority vote of the full board. Any
27 vacancies on the board shall be filled by the appointing authority of that member within 30 days
28 of the vacancy for the remainder of that term. Staff support services for the board shall be
29 provided by the staff of the executive office of public safety and security as directed by the
30 secretary.

31 (c) Section 178K of chapter 6, as so appearing in the General Laws of 2008, is hereby
32 amended by deleting in line 33 the words "promulgate guidelines". And, insert in place thereof
33 the following:- "apply the guidelines as developed by the sex offender management board." And
34 furthermore, by deleting in line 38 the words "develop" through the word on line 39 and insert in
35 place thereof the following:- "distribute the guidelines to municipal police departments in regard
36 to." The board shall develop and prescribe evidence-based, standardized procedures and tools
37 for identification, classification, evaluation, treatment and management of adult and juvenile sex
38 offenders for determining the level of risk of reoffense, the degree of dangerousness posed to the
39 public or relief from the obligation to register.

40 (d) Within 1 year of the effective date of this section, the board shall develop an
41 evidence-based, standardized procedure for the risk assessment and identification of adult sex
42 offenders and recommend behavior management, monitoring, assessment and treatment for adult
43 sex offenders. The board shall develop and implement methods of intervention for adult sex
44 offenders which have, as a priority, the physical and psychological safety of victims and
45 potential victims and which are appropriate to the needs of the particular adult sex offender,
46 taking into account the safety of victims and potential victims. The board shall establish a
47 minimum hours of training requirement for professionals working with adult sex offenders. The
48 board shall annually report its findings to the governor and the general court, along with any
49 legislative recommendations.

50 (e) Within 2 years from creation of the board, all agencies shall implement guidelines and
51 standards established by the board for the existing system of programs and for those developed
52 in the future for the treatment and management of adult sex offenders that can be applied to
53 offenders who are placed on probation, incarcerated with the department of corrections, placed
54 on parole, or placed in community corrections. Such programs shall be structured in consultation
55 with the judicial branch and in such a manner that the programs provide a continuing monitoring
56 process, as well as a continuum of treatment programs for each offender as that offender
57 proceeds through the criminal justice system and may include, but shall not be limited to,

58 evidence-based risk assessment, treatment such as group counseling, individual counseling,
59 outpatient treatment, inpatient treatment, or treatment in a therapeutic community and the
60 management and containment of adult sex offenders. Also, such programs shall be developed in
61 such a manner that, to the extent possible, the programs may be accessed by all adult sex
62 offenders in the criminal justice system.

63 (f) The board shall consult on, approve, and revise as necessary the evidence-based risk
64 assessment screening instrument developed by the executive office of public safety and security
65 to assist the sentencing court in determining the likelihood that an offender will commit 1 or
66 more of the sex offenses defined in section 1 of chapter 123A. In carrying out this duty, the
67 board shall consider sex offender risk assessment research.

68 (g) The board shall research and analyze the effectiveness of the risk assessment,
69 identification, treatment, management procedures including containment and programs
70 developed to manage adults with sexual behavior problems. The board shall also develop and
71 prescribe a system for implementation of the guidelines and standards developed for tracking
72 adult sex offenders who have been subjected to evidence-based risk assessment, identification,
73 treatment, and management procedures including containment pursuant to this section.

74 (h) The board shall develop a system for monitoring adult sex offender behaviors and
75 adult sex offender adherence to prescribed behavioral and medical interventions. The results of
76 such behavioral and medical monitoring shall be a part of any analysis reported in the annual
77 report pursuant to this section.

78 (i) Within 3 years from creation of said board, in collaboration with the department of
79 corrections, the judicial branch, the parole board and the community access board, the board
80 shall develop and implement criteria for measuring an adult sex offender's progress in treatment.
81 Such criteria shall assist the court, the parole board and the community access board in
82 determining whether a sex offender may appropriately be released from incarceration, whether
83 the sex offender's level of supervision may be reduced, or whether the sex offender may
84 appropriately be discharged from probation or parole. The criteria shall not limit the decision-
85 making authority of the court, the parole board or the community access board. Section 5, of
86 chapter 27 as so appearing in the Official Edition of the General Laws of 2008, is hereby
87 amended on line 5 by inserting after the word, “conditions”, the following:- utilizing the criteria
88 designed by the sex offender management board. Section 1 of chapter 123A, as so appearing in
89 the Official Edition of the General Laws of 2008, is hereby amended on line 14 by inserting after
90 the word, “community”, the following:- utilizing the criteria designed by the sex offender
91 management board.

92 (j) Within 1 year of the effective date of this section, the board shall develop and
93 prescribe an evidence-based standardized procedure and tools for the assessment, identification,
94 treatment and management of juvenile sex offenders and recommend behavior management,

95 monitoring, assessment and treatment for juvenile sex offenders. Such procedures shall provide
96 for an assessment and identification of the juvenile offender and recommend behavior
97 management, monitoring, environmental support, treatment and compliance. The board shall
98 develop methods of intervention for juvenile sex offenders that have as a priority the physical
99 and psychological safety of victims and potential victims and which are appropriate to the needs
100 of the particular adult sex offender. The board shall establish a minimum hours of training
101 requirement for professionals working with juvenile sex offenders. The board shall annually
102 report its findings to the governor and the general court, along with any legislative
103 recommendations.

104 (k) Within 1 year, the board shall develop and implement guidelines and standards
105 for a system of programs for the treatment and management of juvenile sex offenders that shall
106 be utilized for juvenile sex offenders who are placed on probation, committed to the department
107 of youth services, to the department of children and families, placed on parole, provided
108 evaluation and treatment services by the department of children and families, or enrolled in an
109 out-of-home placement or in family therapy. The programs developed pursuant to this
110 subsection shall be as flexible as possible so that such programs may be utilized by each juvenile
111 sex offender to prevent the offender from harming victims and potential victims. Such programs
112 shall be structured to provide a continuing monitoring process, as well as a continuum of
113 treatment programs for each juvenile sex offender as the juvenile offender proceeds through the
114 juvenile justice or social services system and may include, but shall not be limited to, group
115 counseling, individual counseling, family therapy, outpatient treatment, inpatient treatment, or
116 treatment in a therapeutic community. Such programs shall be developed in such a manner that,
117 to the extent possible, the programs may be accessed by all juvenile sex offenders committed to
118 the department of youth services, the department of children and families, placed on parole,
119 provided evaluation and treatment services by the department of children and families, or
120 enrolled in an out-of-home placement or in family therapy.

121 (l) Within 1 year from creation, the board shall develop and implement a system by
122 which progress and success in treatment of juvenile sex offenders may be measured.

123 (m) Within 2 years from creation, the board shall research and analyze the effectiveness
124 of the evaluation, identification, treatment and management procedures and programs for
125 juvenile sex offenders. The board shall also develop and prescribe a system for implementation
126 of the guidelines and standards developed for tracking juvenile sex offenders who have been
127 subjected to an evidence-based model of risk assessment, identification, treatment, or
128 management of juvenile sex offenders. In addition, the board shall develop a system for
129 monitoring offender behaviors and offender adherence to prescribed behavioral changes and
130 medical treatment interventions. The results of such tracking and behavioral and medical
131 monitoring shall be a part of any analysis made pursuant to this subsection.

132 (n) Within 3 years from creation, the board, in collaboration with law enforcement
133 agencies, victim advocacy organizations, the department of education, the department of public
134 health, and the department of public safety and security, shall develop for use by schools,
135 educational materials and policies regarding general information about preventing sexual
136 violence, adult and juvenile sex offenders, safety concerns related to adult and juvenile sex
137 offenders, and other relevant materials. The board shall also consider how to provide
138 educational opportunities for juvenile sex offenders in the school system. The board shall
139 provide a statement and materials to the department of elementary and secondary education. The
140 department of elementary and secondary education shall make the statement and materials
141 available to schools in the state.

142 (o) The board and the individual members thereof shall be immune from any liability,
143 whether civil or criminal, for the good faith performance of the duties of the board as specified in
144 this section. Upon statewide implementation of the guidelines the board shall consult on,
145 approve, and revise as necessary the guidelines developed for both adult and juvenile sex
146 offenders consistent with the latest research findings.