HOUSE DOCKET, NO. 730 FILED ON: 1/19/2011

HOUSE . . . . . No. 446

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 protection of juveniles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*

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HOUSE . . . . . No. 446

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 446) of Kay Khan relative to juveniles accused of sexual offenses. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to the protection of juveniles.

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 178C of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 41-42, the following:-

"or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense."

Said section is further amended by striking out the following:-

In lines 44-45 "or custody with the department of youth services for such conviction or adjudication;"

In line 71, "adjudication or;"

In lines 123-124, "or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sexually violent offense;"

In lines 126-127, "or custody with the department of youth services for such conviction or adjudication."

Section 2. Section 178D of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 18, "or adjudicated," and in line 19, "or adjudication."

Said section is further amended by striking out, in line 41, "or adjudicated," and in line 42, "or adjudication."

Section 3. Section 178E of Chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 4, the following:-

"the department of youth services."

21 Said section is further amended by striking out the following:-

22 In lines 28-32 and 70-74, "If such sex offender is a juvenile at the time of such
23 notification, notification shall also be mailed to such sex offender's legal guardian or agency
24 having custody of the juvenile in the absence of a legal guardian and his most recent attorney of
25 record;"

26 In lines 84-86, "or adjudication as a youthful offender or as a delinquent juvenile by
27 reason of a sex offense."

28 In lines 96-99, "If such sex offender is a juvenile at the time of such adjudication, the
29 legal guardian or agency having custody of the juvenile and his most recent attorney of record
30 shall also be required to acknowledge, in writing, such information."

31 In line 126, "or adjudication of delinquent or as a youthful offender."

32 In lines 142-143, "or adjudicated as a youthful offender or as a delinquent juvenile by
33 reason of a sex offense."

34 In lines 244-247, "If any such sex offender is a juvenile at the time of such notification,
35 notification shall also be mailed to such sex offender's legal guardian or the agency having
36 custody of the juvenile in the absence of a legal guardian and his most recent attorney of record."

37 Section 4. Section 178F of chapter 6 of the General Laws, as appearing in the 2008
38 Official Edition, is hereby amended by striking out, in lines 30-33, the following:-

39 "If any such sex offender is a juvenile at the time of such notification, notification shall
40 also be mailed to such sex offender's legal guardian or the agency having custody of the juvenile
41 in the absence of a legal guardian and his most recent attorney of record."

42 Section 5. Section 178F1/2 of chapter 6 of the General Laws, as appearing in the 2008
43 Official Edition, is hereby amended by striking out, in lines 28-31, the following:-

44 "If any such sex offender is a juvenile at the time of such notification, notification shall
45 also be mailed to such sex offender's legal guardian or the agency having custody of the juvenile
46 in the absence of a legal guardian and his most recent attorney of record."

47 Section 6. Section 178G of chapter 6 of the General Laws, as appearing in the 2008
48 Official Edition, is hereby amended by striking out, in line 4, "or adjudicated," and, by striking
49 out, in line 17, "adjudication."

50 Section 7. Section 178H of chapter 6 of the General Laws, as appearing in the 2008
51 Official Edition, is hereby amended by striking out, in line 11, the following:-

52 "adjudicated or."

53 Section 8. Section 178I of chapter 6 of the General Laws, as appearing in the 2008
54 Official Edition, is hereby amended by striking out, in lines 9-10, "or adjudicated," and, by
55 striking out, in line 10, "or adjudications."

56 Section 9. Section 178J of chapter 6 of the General Laws, as appearing in the 2008
57 Official Edition, is hereby amended by striking out, in line 52, "or adjudicated," and, by striking
58 out, in line 53, "or adjudication."

59 Section 10. Section 178K of chapter 6 of the General Laws, as appearing in the 2008
60 Official Edition, is hereby amended by striking out, in line 12, the following:-

61 "including juvenile sex offenders."

62 Said section is further amended by striking out the following:-

63 In lines 79-80, "(e) whether the sex offender was a juvenile when he committed the
64 offense, his response to treatment and subsequent criminal history;"

65 In line 153, "or adjudicated;"

66 In line 154, "or adjudication;"

67 In line 243-244, "or adjudicated as a delinquent juvenile or as a youthful offender by
68 reason;"

69 Section 11. Section 178L of chapter 6 of the General Laws, as appearing in the 2008
70 Official Edition, is hereby amended by striking out, in lines 7-10, "provided, however, that if the
71 sex offender was a juvenile at the time of the offense, written approval must be given by a board
72 member who is a licensed psychologist or psychiatrist with special expertise in the assessment
73 and evaluation of juvenile sex offenders."

74

75 Said section is further amended by striking out:

76 In lines 16-19 and lines 55-58, "If the sex offender is a juvenile at the time of such
77 notification, notification shall also be mailed to the sex offender's legal guardian or agency
78 having custody of the juvenile in the absence of a legal guardian and his most recent attorney of
79 record;"

80 In line 41, "or adjudication;"

81 In lines 91-92, "All offenders who are juveniles at the time of notification shall be
82 represented by counsel at the hearing."