SENATE DOCKET, NO. 981 FILED ON: 1/17/2013

SENATE . . . . . No. 1136

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Barry R. Finegold	*Second Essex and Middlesex*
Colleen M. Garry	*36th Middlesex*
Marcos A. Devers	*16th Essex*

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By Mr. Finegold, a petition (accompanied by bill, Senate, No. 1136) of Barry R. Finegold, Colleen M. Garry and Marcos A. Devers for legislation relative to the protection of children. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

An Act relative to the protection of children.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect children, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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 178D of chapter 6 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word “inclusive,”, in line 34, the following:-

“, provided further, however, that there shall be a rebuttable presumption that the registration data of any offender who is convicted of a sex offense involving a child shall be published in the sex offender internet database if such offender was over 21 years of age at the time the crime was committed”.

SECTION 2. Section 178F½ of said chapter 6, as so appearing, is hereby amended by inserting after the word “inclusive,”, in line 3, and after the word “offender”, in line 43, the following:-

“or who is required to register due to their status as an offender who was convicted of a sex offense involving a child pursuant to section 178D”.

SECTION 3. Section 178I of said chapter 6, as so appearing, is hereby amended by inserting after the word “offender”, in line 15, the following:-

V“, or if the board has determined that the offender’s registration information shall be published due to their status as an adult over 21 years of age who was convicted of a sex offense involving a child pursuant to section 178D”.

18 SECTION 4. Subsection (c) of section 178J of said chapter 6, as so appearing, is hereby
19 amended by inserting after the words “section 178K”, in line 45, the following:-

20 V“or an offender who is required to register due to their status as an offender who was
21 convicted of a sex offense involving a child pursuant to section 178D”.

22 SECTION 5. Section 178L of said chapter 6, as so appearing, is hereby amended by
23 inserting after subsection (2) the following subsection:-

24 (3) (a) The board may, on its own initiative, seek to reclassify any registered and finally
25 classified sex offender upon receipt of any information that indicates the offender may present an
26 increased risk to reoffend or degree of dangerousness. This could be based on, but not limited to,
27 information indicating the sex offender has: (i) committed a new sex offense; (ii) been
28 terminated from sex offender specific treatment; (iii) violated the terms or conditions of
29 community supervision; (iv) been incarcerated more than 60 consecutive days at any time
30 following final classification; (v) failed to comply with the provisions of chapters 178C through
31 178Q, inclusive; or (vi) demonstrated a lack of stability in daily living.

32 (b) If a majority of the full board determines that the offender may present an increased
33 risk to reoffend or degree of dangerousness, it shall authorize a review of the offender's present
34 classification level. The board shall then notify the sex offender that his classification level is
35 being reevaluated. The board shall follow the procedures detailed in this section to arrive at a
36 recommended reclassification level for the offender.

37 (c) If the offender rejects the recommended reclassification level, the offender may
38 request a hearing.

39 (d) If the offender is reclassified, the board shall update the information pertaining to the
40 offender in the sex offender registry and shall also notify the sex offender and law enforcement
41 agencies that the offender has been reclassified. In addition, the offender shall be required to
42 comply with all registration requirements that apply to the offender’s reclassified level.

43 (e) Any district attorney who receives a complaint against a registered sex offender and
44 declines to prosecute such offender shall forward the complaint to the board for review and
45 possible reclassification of the offender.

46 SECTION 6. Subsection (b) of section 8 of chapter 15D of the General Laws, as so
47 appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

48 “The regulations shall establish a uniform disclosure form providing licensure
49 information for school-aged child care programs, child care centers, family child care homes and
50 large family child care homes. Such form shall state, in a conspicuous manner, that the program
51 or center is licensed by the department and provide a copy of said license, and shall also include
52 the telephone number and address of the department’s regional office responsible for the

53 program. The regulations shall require that all school-aged child care programs, child care
54 centers, family child care homes and large family child care homes distribute the uniform
55 disclosure form to families prior to enrollment of their child."

56 SECTION 7. Section 9 of chapter 15D of the General laws, as so appearing, is hereby
57 amended by inserting after subsection (c) the following subsection:-

58 "(d) The department shall publish inspection reports and the regulatory compliance
59 history of school-aged child care programs, child care centers, family child care homes and large
60 family child care homes on the internet."