

HOUSE No. 1406

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 removing state funded counsel from sex offender classification hearings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

HOUSE No. 1406

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1406) of Bradley H. Jones, Jr. and others relative to access to state funded counsel during sex offender classification hearings. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act removing state funded counsel from sex offender classification hearings.

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 178L of chapter 6 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking in paragraph (a), in lines 26 through 28,
3 inclusive, the words, “his right to retain counsel to represent him at such hearing and his right to
4 have counsel appointed for him if he is found to be indigent as determined by the board using the
5 standards under chapter 211D; provided, however, that such indigent offender may also apply for
6 and the board may grant payment of fees for an expert witness in any case where the board in its
7 classification proceeding intends to rely on the testimony or report of an expert witness prepared
8 specifically for the purposes of the classification proceeding.” and inserting in place thereof the
9 words: and his right to retain counsel to represent him at such hearing.

10 SECTION 2. Section 178L of chapter 6 of the General Laws, as so appearing, is hereby
11 amended by striking in paragraph (c), in lines 65 through 73, inclusive, the words, “his right to
12 retain counsel to represent him at such hearing and his right to have counsel appointed for him if

13 he is found to be indigent as determined by the board using the standards under chapter 211D;
14 provided, however, that such indigent offender may also apply for and the board may grant
15 payment of fees for an expert witness in any case where the board in its classification proceeding
16 intends to rely on the testimony or report of an expert witness prepared specifically for the
17 purposes of the classification proceeding.” and inserting in place thereof the words:- and his right
18 to retain counsel to represent him at such hearing.

19 SECTION 3. Section 178L of chapter 6 of the General Laws, as so appearing, is hereby
20 amended by striking in subsection (2), in lines 84 through 87, inclusive, the sentence “The board
21 shall inform offenders requesting a hearing under the provisions of subsection (1) of their right to
22 have counsel appointed if a sex offender is deemed to be indigent as determined by the board
23 using the standards under chapter 211D.”

24 SECTION 4. Section 178M of chapter 6, as most recently amended by section 219 of
25 chapter 38 of the acts of 2013 is hereby further amended by striking the following, “The court
26 shall, if requested, appoint counsel to represent the sex offender in the proceedings if such sex
27 offender is deemed indigent in accordance with section 2 of chapter 211D.”