

HOUSE No. 1718

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 adoption of the accompanying bill:

An Act relative to data collection by the Sex Offender Registry Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/17/2021</i>

HOUSE No. 1718

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1718) of Kay Khan relative to data collection by the Sex Offender Registry Board. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to data collection by the Sex Offender Registry Board.

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. Notwithstanding and special or general law to the contrary or regulation,
2 the Sex Offender Registry Board shall collect and compile data to assess the agency’s reliability,
3 effectiveness and impact; to evaluate the accuracy of the agency’s classification system; and to
4 allow for the analysis and quantification of individual factors, so that their relevance and the
5 reliability of their ratings can be evaluated. Data collection shall keep track of trends, disparate
6 impact of classifications, and recidivism.

7 Said board shall submit an annual report no later than October 31, generated from the
8 collected data. Said report shall be filed with the clerks of the senate and house of representatives
9 and be available to the public upon request. The first report shall include data from the previous
10 five fiscal years, broken down by year, after which, the annual report shall include data from
11 only the preceding fiscal year. The initial report may only include global final level decisions,
12 but subsequent reports shall include item and total score information. All data and a description

13 of the methods relied upon in generating said report shall be contained in the report or made
14 available to the public upon request.

15 The following data shall be reported on an annualized basis:

16 1. The number of individuals on the registry as of the date of the report, broken down by
17 Level 1, Level 2 and Level 3.

18 2. The number of individuals finally classified by the Sex Offender Registry Board
19 during the fiscal year as not required to register, finally classified as Level 1, finally classified as
20 Level 2, and finally classified as Level 3. This data shall be broken down for each level by adult
21 males, females and juveniles whose sex offense(s) occurred when under the age of 18 and those
22 who are identified as being served by the Department of Mental Health and the Department of
23 Developmental Services.

24 3. The number of Level 1, Level 2 and Level 3 recommended classifications per fiscal
25 year including the number that were increased in final classification, the number decreased in
26 final classification and number that remained the same, broken down by the number of
27 individuals at each recommended level whose classifications were raised to Level 3, raised to
28 Level 2, lowered to a Level 2, lowered to Level 1, lowered to not required to register and
29 remained the same.

30 4. The number of cases remanded to the Sex Offender Registry Board from the Superior
31 Court and Appellate Courts, broken down by classification level before remand and
32 classification level after remand to include the number of individuals whose classifications
33 increased to Level 3, increased to Level 2, decreased to Level 2, decreased to Level 1, were not
34 required to register, and remained the same.

35 5. The number of registrants who sought to reduce their classification levels claiming a
36 diminished risk of re-offense and danger to the public pursuant to 803 CMR 1.31, broken down
37 by classification level before request for reduction and final classification level of those
38 individuals after request for reduction was considered.

39 6. The number of petitions initiated by the Sex Offender Registry Board for any reason to
40 increase a registrant's classification level, broken down by classification level before the request
41 to increase and final classification level for those individuals after request to increase became
42 final.

43 7. The number of petitions initiated by the Sex Offender Registry Board to increase a
44 registrant's classification level because of a new sex offense arrest or conviction, broken down
45 by arrests and convictions.

46 8. The number of individuals classified as Level 1, Level 2 and Level 3 who were
47 convicted of a new sex offense within five years of the final classification, broken down by
48 classification level.

49 9. The number of individuals classified as Level 1, Level 2 and Level 3 who were
50 convicted of a new sex offense within ten years of the final classification, broken down by
51 classification level.

52 10. In all subsequent years after the quantification of the factors has been completed—the
53 correlation and Area under the Curves of the total scores and individual item scores with
54 recidivism; the reliabilities of total scores and individual item scores; and a covariation matrix of
55 all items and the total scores.