

HOUSE No. 3944

The Commonwealth of Massachusetts

PRESENTED BY:

Shaunna L. O'Connell

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 protecting children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>

HOUSE No. 3944

By Mrs. O'Connell of Taunton, a petition (subject to Joint Rule 12) of Shaunna L. O'Connell and others relative to access of level 1 sex offender information by the Department of Early Education and Care, pre-kindergarten schools and certain child care programs or providers. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to protecting children.

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 XX. Chapter 6 of the General Laws is hereby amended by inserting after
2 section 178J the following section:-

3 Section 178J ½. Notwithstanding any general or special law to the contrary, a designated
4 point of contact person from the department of early education and care, a public or private pre-
5 kindergarten school or a child care program or provider licensed by said department may request
6 sex offender registry information, including, but not limited to information pertaining to level 1
7 sex offenders, from the board or the local police department as follows:

8 (i) Any designated point of contact person making a written request to the board pursuant
9 to this section shall receive at no cost from the board a report which indicates whether an
10 individual identified by name, date of birth or sufficient personal identifying characteristics is a
11 sex offender with an obligation to register pursuant to this chapter, the offenses for which the

12 offender was convicted or adjudicated and the dates of such convictions or adjudications. Any
13 records of inquiry shall be kept confidential, except that the records may be disseminated to
14 assist or defend in a criminal prosecution. All reports to point of contact persons making
15 inquiries shall include a warning regarding the criminal penalties for use of sex offender registry
16 information to commit a crime or to engage in illegal discrimination or harassment of an
17 offender and the punishment for threatening to commit a crime under section 4 of chapter 275.
18 The board shall not release information identifying the victim by name, address or relation to the
19 offender.

20 (ii) Any designated point of contact person making a request through the local police
21 department pursuant to this section shall: (1) appear in person at such police station and present
22 proper identification; and (2) complete and sign a record of inquiry designed by the board which
23 shall include; (i) the name and address of the department, school, program or provider making
24 such request, (ii) the name of the person that is the subject of the inquiry, or personal identifying
25 information sufficient to allow the police to identify the subject of the inquiry and (iii) the reason
26 for, and date and time of the inquiry. If the search of the sex offender registry results in the
27 identification of a sex offender required to register pursuant to this chapter, the police shall
28 disseminate, to the point of contact person making the inquiry, the offenses for which the
29 offender was convicted or adjudicated and the dates of such convictions or adjudications. The
30 police shall not release information identifying the victim by name, address or the victim's
31 relation to the offender.”.