

HOUSE No. 00447

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 bill:

An Act relative to the dissemination of information in order to protect children

.

PETITION OF:

NAME:

Kay Khan

DISTRICT/ADDRESS:

11th Middlesex

HOUSE No. 00447

By Ms. Kay Khan of Newton, petition (accompanied by bill, House, No. 00447) of Kay Khan relative to the dissemination of information pertaining to children accused of sex offenses . Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the dissemination of information in order to protect 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 1. Section 178D of chapter 6 of the General Laws, as appearing in the 2008 Official
- 2 Edition, is hereby amended by inserting, in line 34, following the words, “sections 178C to 178P,
- 3 inclusive;” the following:-
- 4 “and provided further, that information relating to a sex offender whose only sex offenses were
- 5 committed when the offender was a juvenile and information about any juvenile sex offenses
- 6 shall not be publicly disclosed;”
- 7 Said section is further amended by striking out:
- 8 In line 34-35, “provided further;”
- 9 In line 41, “or adjudicated;”

10 In line 42, “or adjudication.”

11 Section 2. Section 178E of chapter 6 of the General Laws, as appearing in the 2008 Official
12 Edition, is hereby amended by inserting, in line 15 following the words, “possible release date,”
13 the following:-

14 “The classification requirements of this section shall not apply to any sex offender whose only
15 sex offenses were committed when the offender was a juvenile.”

16 Section 3. Section 178F1/2 of chapter 6 of the General Laws, as appearing in the 2008 Official
17 Edition, is hereby amended by striking out, in lines 28-31, the following:-

18 “If any such sex offender is a juvenile at the time of such notification, notification shall also be
19 mailed to such sex offender’s legal guardian or the agency having custody of the juvenile in the
20 absence of a legal guardian and his most recent attorney of record.”

21 Section 4. Section 178I of chapter 6 of the General Laws, as appearing in the 2008 Official
22 Edition, is hereby amended by striking out, in lines 9-10, the following:-

23 “or adjudicated and by striking out, in line 10, “or adjudications.”

24 Said section is further amended by inserting, in line 15, following the words, “ or level 3 sex
25 offender.” the following:-

26 “Provided, however, that information about sex offenders whose sole sex offenses were
27 committed as juveniles shall not be made available to the public pursuant to this section.”

28 Section 5. Section 178J of chapter 6 of the General Laws, as appearing in the 2008 Official
29 Edition, is hereby amended by inserting in line 61, following the words “relation to the
30 offender.” the following:-

31 “Provided, however, that no information shall be disseminated to any person under this section
32 about any sex offender whose sole sex offense or offenses were committed as a juvenile.”

33 Section 6. Section 178K of chapter 6 of the General Laws, as appearing in the 2008 Official
34 Edition, is hereby amended by inserting in line 126, following the words “section 178I and
35 178J,” the following:-

36 “Provided, however, that the public shall not have access to any information about sex offenders
37 whose sole sex offense or offenses were committed as a juvenile.”

38 Said section is further amended by inserting in line 171, following the words “in accordance with
39 sections 178D, 178I and 178J,” the following:-

40 “Provided, however, that no information shall be disseminated to any person under this section
41 about any sex offender whose sole sex offense or offenses were committed as a juvenile.”

42 Moreover, said chapter is hereby amended by striking out the following:-

43 In line 153, “or adjudicated;”

44 In line 154, “or adjudication;”

45 In line 243-244, “or adjudicated as a delinquent juvenile or as a youthful offender by reason.”

46 And, said section is hereby amended by inserting in line 261 following the words “\$1,000 per
47 day,” the following:-

48 “(4) The classification requirements of this section shall not apply to any offender whose sole
49 sex offense or offenses were committed as a juvenile.”

50 Section 7. Section 178L of chapter 6 of the General Laws, as appearing in the 2008 Official
51 Edition, is hereby amended by inserting, in line 5 following the words, “of each offender,” the
52 following:

53 “except for offenders whose sole sex offense or offenses were committed as a juvenile.”

54 Said section as so appearing is hereby amended by striking out, in lines 7-10, the following:=-

55 “provided, however, that if the sex offender was a juvenile at the time of the offense, written
56 approval must be given by a board member who is a licensed psychologist or psychiatrist with
57 special expertise in the assessment and evaluation of juvenile sex offenders.”

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

59 In lines 16-19 and lines 55-58, “If the sex offender is a juvenile at the time of such notification,
60 notification shall also be mailed to the sex offender’s legal guardian or agency having custody of
61 the juvenile in the absence of a legal guardian and his most recent attorney of record;”

62 In line 41, “or adjudication.”

63 And, said section is amended by striking out in lines 91-92, the following:-

64 “All offenders who are juveniles at the time of notification shall be represented by counsel at the
65 hearing.” and inserting in place thereof the following words:-

66 “This section shall not apply to sex offenders whose sole sex offense or offenses were committed
67 as a juvenile.”