

SENATE. No. 2275

The Commonwealth of Massachusetts

SENATE, April 22, 1996.

The committee on Ways and Means, to whom was committed the Senate Bill relative to sex offender registration and community notification (Senate, No. 2149), reports, in part, "An act relative to sex offender registration" (Senate, No. 2275).

For the committee,

ROBERT A. ANTONIONI.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Six.

AN ACT RELATIVE TO SEX OFFENDER REGISTRATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 6 of the General Laws, as appearing in the 1994
2 Official Edition, is hereby amended by inserting after section 174
3 the following new section:—

4 Section 174A.

5 (a) Short Title. This act shall be known and may be cited as the
6 “Sex Offender Registration Act.”

7 (b) Legislative Findings and Purpose. The legislature finds that
8 the danger of recidivism posed by sex offenders and the protection
9 of the public from those offenders is of paramount interest to the
10 government. The legislature further finds that efforts by law
11 enforcement agencies to protect their communities, conduct inves-
12 tigation, and quickly apprehend sex offenders are impaired by the
13 lack of information about sex offenders who live within their
14 jurisdiction and that this lack of information may result in the
15 failure of the criminal justice system to identify, investigate,
16 apprehend, and prosecute sex offenders.

17 The registration of sex offenders is a proper exercise of the
18 police power of the commonwealth to regulate present and
19 ongoing conduct. Registration will provide law enforcement with
20 additional information critical to preventing sexual victimization
21 and to resolving incidents involving sexual abuse and exploitation.

22 Therefore, the policy of the commonwealth, which will
23 bring the state into compliance with the federal crime control
24 act, 42 U.S.C. §14071, is to assist the efforts of local law enforce-
25 ment agencies to protect their communities by requiring sex
26 offenders to register.

27 (c) Definitions. As used in this act the following words shall
28 have the following meanings:

29 (1) "agency," the department of correction, any county correc-
30 tion facility, the department of youth services, the parole board,
31 the department of probation, the department of social services, or
32 the department of mental health when the department of mental
33 health is acting pursuant to section fifteen, sixteen, seventeen, or
34 eighteen of chapter one hundred and twenty-three.

35 (2) "sex offense," (A) an indecent assault and battery on a child
36 under fourteen under the provisions of section thirteen B of
37 chapter two hundred and sixty-five; indecent assault and battery
38 on a mentally retarded person under the provisions of section
39 thirteen F of chapter two hundred and sixty-five; rape of a child
40 under sixteen with force under the provisions of section twenty-
41 two A of chapter two hundred and sixty-five; rape and abuse of a
42 child under the provisions of section twenty-three of chapter two
43 hundred and sixty-five; assault of a child under sixteen with intent
44 to commit rape under the provisions of section twenty-four B of
45 chapter two hundred and sixty-five; unnatural and lascivious acts
46 with a child under sixteen under the provisions of section thirty-
47 five A of chapter two hundred and seventy-two; or

48 (B) rape under the provisions of section twenty-two of chapter
49 two hundred and sixty-five; assault with intent to commit rape
50 under the provisions of section twenty-four of chapter two hun-
51 dred and sixty-five; indecent assault and battery on a person who
52 has obtained the age of fourteen under the provisions of section
53 thirteen H of chapter two-hundred and sixty-five; or

54 (C) kidnapping under the provisions of section twenty-six of
55 chapter two hundred and sixty-five; attempt to commit a violation
56 of any of the aforementioned sections pursuant to section six of
57 chapter two hundred and seventy-four; or a like violation of the
58 law of another state.

59 (3) "sex offender," a person convicted of a sex offense, found
60 delinquent by reason of a sex offense, or released from incarceration
61 for such a conviction or adjudication on or after the effective
62 date of this act, or within fifteen years prior to the effective date
63 of this act.

64 (d) Registry of Sex Offenders. (1) The criminal history systems
65 board shall establish and maintain a central computerized registry
66 of all sex offenders required to register pursuant to this act. Said
67 registry shall include the following registration data concerning
68 each sex offender required to register:

69 (A) the name, aliases used, date and place of birth, sex, race,
70 height, weight, eye and hair color, social security number, home
71 address and work address of the sex offender;

72 (B) a photograph and set of fingerprints of the sex offender;

73 (C) a description of the sex offense or offenses for which the
74 sex offender was convicted or adjudicated delinquent, the city or
75 town where the offense or offenses occurred, the date or dates of
76 conviction or adjudication of delinquency and the sentence or
77 sentences imposed;

78 (D) the city or town in which the sex offender intends to live
79 and the city or town in which the sex offender intends to work;

80 (E) other identifying information which the board determines
81 may be useful to law enforcement agencies.

82 (2) The board shall develop a standardized registration form,
83 which shall include all registration data. The board shall make the
84 form available to all agencies having custody of sex offenders and
85 all city and town police departments. Records maintained pursuant
86 to this act shall be disseminated in accordance with sections one
87 hundred and seventy-two and with the provisions of this act. The
88 board may promulgate rules and regulations pursuant to chapter
89 thirty A to implement the provisions of this act.

90 (e) Registration Requirements.

91 (1) The agency that has custody of the sex offender shall notify
92 the sex offender in writing of the duty to register and shall require
93 the sex offender to acknowledge in writing that he has been
94 advised of the duty to register. Not less than thirty days prior to
95 release of any sex offender from custody, the agency having cus-
96 tody of the sex offender shall transmit to the board the registration
97 data of the sex offender. The board shall promptly transmit said
98 registration data to the police departments of the city or town
99 where the sex offender intends to live, where the sex offender
100 intends to work, where the offense was committed, and to the
101 Federal Bureau of Investigation. Within two days of the release of
102 the sex offender from custody, the sex offender shall register in
103 person at the police department in the city or town where the sex
104 offender resides.

105 (2) Any agency that has supervision of a sex offender on proba-
106 tion or parole shall transmit the registration data of the sex
107 offender to the board within five days of assuming supervision of

108 the sex offender. The agency shall also report any changes of
109 address of any sex offender within its jurisdiction to the board.
110 The board shall promptly transmit the registration data to the
111 police departments where the sex offender intends to live and
112 work and where the offense was committed and to the Federal
113 Bureau of Investigation. The agency that has supervision of the
114 sex offender shall also notify the sex offender in writing of the
115 duty to register and shall require the sex offender to acknowledge
116 in writing that he has been advised of the duty to register. All sex
117 offenders on probation or parole shall register in person at the
118 police department in the city or town where he resides. Failure to
119 register may be grounds for revocation of probation or parole.

120 (3) Any court which enters a conviction or adjudication of
121 delinquency for a sex offense but does not impose a sentence of
122 confinement to be served immediately shall inform the sex
123 offender in writing of the duty to register and shall require the
124 sex offender to acknowledge in writing that he has been advised
125 of the duty to register. The court shall cause the registration data
126 of the sex offender to be transmitted to the board within five days
127 of sentencing. The board shall promptly transmit the registration
128 data to the police departments where the sex offender intends to
129 live and work and where the offense was committed and to the
130 Federal Bureau of Investigation. Any sex offender who is con-
131 victed or adjudicated delinquent of a sex offense but who is not
132 sentenced to serve a term of confinement immediately upon sen-
133 tencing, shall, within two days of being sentenced, register in
134 person at the police department in the city or town where the sex
135 offender resides. Failure to register in person at the police depart-
136 ment may be grounds for revocation of probation.

137 (4) Any sex offender who intends to move to a different city or
138 town within the commonwealth must register in person at the
139 police department where the sex offender intends to reside five
140 days prior to establishing the new residence. The sex offender
141 shall also send written notice within five days of the change of
142 address to the police department where the sex offender has first
143 registered. Each such police department shall transmit the same to
144 the Federal Bureau of Investigation.

145 Any sex offender who intends to change his address within a
146 city or town must notify the police department in writing within

147 five days prior to establishing the new residence. The police
148 department shall transmit notice of the change of address to the
149 board and the board shall transmit the same to the Federal Bureau
150 of Investigation.

151 Any sex offender who intends to move out of the common-
152 wealth shall notify the police department where the sex offender is
153 registered not later than five days before leaving the common-
154 wealth. The police department shall transmit notice of the change
155 of address to the board and the board shall transmit the same to
156 the Federal Bureau of Investigation. If the jurisdiction to which
157 the sex offender moves has a registration requirement, the board
158 shall notify the sex offender of the duty to register and shall for-
159 ward a copy of the registration data of said sex offender to the
160 appropriate law enforcement agency in the new jurisdiction.

161 (5) Except as provided above, any sex offender residing in the
162 commonwealth shall, within thirty days of the effective date of
163 this act, register in person at the police department in the city or
164 town where the sex offender resides. The police department shall
165 promptly transmit the registration data to the board. The board
166 shall promptly transmit the registration data to the police depart-
167 ments where the sex offender works and where the offense was
168 committed and to the Federal Bureau of Investigation. The board
169 shall send written notification of the requirements of this act to the
170 last known address of all sex offenders residing in the common-
171 wealth who, on the effective date of this act have been released
172 from all custody and supervision.

173 (f) Verification of Registration Information. Every sex offender
174 shall appear in person one time per year at his local police depart-
175 ment to verify that the registration data on file remains true and
176 accurate. In addition, on each anniversary of the initial registration
177 date, the board shall mail, by certified mail, a nonforwardable ver-
178 ification form to the last reported address of the sex offender. The
179 sex offender shall mail the verification form back to the board
180 within ten days of receipt of the form. The verification shall be
181 signed by the sex offender and shall state that the sex offender still
182 resides at the address last reported to the local police department
183 and the board.

184 (g) Duration of Duty to Register. The duty of a sex offender to
185 comply with the requirements of this act ends fifteen years after

186 the sex offender has been released from all custody or supervision
187 unless the sex offender was convicted or adjudicated delinquent of
188 two or more sex offenses committed on different occasions, in
189 which case the duty to register is for life.

190 (h) Penalties for Failure to Register. A sex offender who
191 knowingly fails to register or verify registration information as
192 required by this act shall be punished, upon a first conviction, by
193 imprisonment for not more than two and one-half years in a house
194 of correction or by a fine of not more than one thousand dollars,
195 or by both fine and imprisonment. Upon a second and subsequent
196 conviction for failure to register or verify registration information,
197 the sex offender shall be sentenced to a house of correction for not
198 less than ninety days and not more than two and one-half years
199 and shall pay a fine of not more than five thousand dollars.

200 (i) Scope. This act shall not affect authorized access to, or use
201 of, information pursuant to the provisions of sections one hundred
202 and sixty-seven through one hundred and seventy-eight B of this
203 chapter.

204 (j) Immunity. Police officials and other public employees acting
205 in good faith shall not be liable in any civil or criminal proceeding
206 for providing or failing to provide sex offender registry informa-
207 tion pursuant to this act.

