HOUSE DOCKET, NO. FILED ON: 1/9/2009

**HOUSE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Kay Khan**

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*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 creation of a sex offender management board.

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PETITION OF:

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| Name: | District/Address: |
| Kay Khan | 11th Middlesex |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act relative to the creation of a sex offender management board.

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

Chapter 6A is herby amended by adding the following new sections:-

Section 18J Sex Offender Management Board.

SECTION 1. There is hereby created in the Executive Office of Public Safety, The Massachusetts Sex Offender Management Board. The Board shall develop and prescribe an evidence-based, standardized procedure for identification, evaluation, treatment and management of adult and juvenile sex offenders in Massachusetts.

The members of the Board shall be the Secretary of Public Safety; the Attorney General of the Commonwealth or designee; the Commissioner of Probation or designee; The Commissioner of Corrections or designee; the Commissioner of the Department of Youth Services or designee; the Commissioner of the Department of Children and Family or designee; the Commissioner of the Department of Elementary and Secondary Education or designee: the Chief Justice of the Trial Court or designee; the Chief Justice of the Juvenile Court or designee; the Secretary of Executive Office of Health and Human Services or designee; a representative of the Massachusetts District Attorney’s Association; a representative of the Massachusetts Chief of Police Association; a representative of the Massachusetts Parole Board; a member of the Massachusetts State Police; and Chief Counsel of the Committee for Public Counsel Services or designee. Additionally, the governor shall appoint five persons; two representing victims organizations one from the Massachusetts Children Alliance and one from Jane Doe, Inc; two persons representing research/sex offender treatment and management organizations; one from the Massachusetts Adolescent Sex Offender Coalition (MASOC), and one from the Massachusetts Association for the Treatment of Sexual Abusers (MATSA). Members appointed by the Governor shall serve for a term of four years. Appointees must have prior proven experience working with these populations. Additionally, advisors may be asked to provide information and data to the board, especially as they relate to the current research and evidence-based practice for working with adults and with juvenile sex offenders.

**SECTION 2. Adult Sex Offenders**

Within 12 months from creation of the board, the Board shall develop an evidence-based, standardized procedure for the risk assessment and identification of adult sex offenders and recommend behavior management, monitoring, and treatment for adult sex offenders. The Board shall develop and implement methods of intervention for adult sex offenders which have as a priority the physical and psychological safety of victims and potential victims and which are appropriate to the needs of the particular adult sex offender, so long as there is no reduction of the safety of victims and potential victims. Said Board shall report its findings to the Governor and the General Court, along with any needed legislative recommendations. Every 12 months thereafter a report shall be issued.

Within 24 months from creation of the board, all agencies, including the judicial branch, shall implement guidelines and standards established by the Board for a system of programs for the treatment and management of adult sex offenders that can be applied to offenders who are placed on probation, incarcerated with the Department of Corrections, placed on parole, or placed in community corrections. The programs developed shall be as flexible as possible so that such programs may be applied to each adult offender to prevent the offender from harming victims and potential victims. Such programs shall be structured in such a manner that the programs provide a continuing monitoring process, as well as a continuum of treatment programs for each offender as that offender proceeds through the criminal justice system and may include, but shall not be limited to, evidence-based risk assessment, treatment (e.g., group counseling, individual counseling, outpatient treatment, inpatient treatment, or treatment in a therapeutic community), and the management and containment of adult sex offenders. Also, such programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all adult sex offenders in the criminal justice system.

The Board shall consult on, approve, and revise as necessary the evidence-based risk assessment screening instrument developed by the Executive Office of Public Safety to assist the sentencing court in determining the likelihood that an offender will commit one or more of the sex offenses specified in the law.. In carrying out this duty, the board shall consider sex offender risk assessment research.

It shall be the duty of the Board to research and analyze the effectiveness of the risk assessment, identification, and treatment and management/containment procedures and programs developed. The Board shall also develop and prescribe a system for implementation of the guidelines and standards developed for tracking adult sex offenders who have been subjected to evidence-based risk assessment, identification, treatment, and management/containment pursuant to this article. In addition, the Board shall develop a system for monitoring adult sex offender behaviors and adult sex offender adherence to prescribed behavioral and medical interventions. The results of such tracking, behavioral, and medical monitoring shall be a part of any analysis reported.

Within 36 months from creation of said Board, in collaboration with the Department of Corrections, the Judicial Department, and the state Parole Board, the Board shall develop and implement criteria for measuring an adult sex offender's progress in treatment. Such criteria shall assist the court and the state Parole Board in determining whether a sex offender may appropriately be released from incarceration ~~or~~, whether the sex offender's level of supervision may be reduced, or whether the sex offender may appropriately be discharged from probation or parole. At a minimum, the criteria shall be designed to assist the court and the state Parole Board in determining whether the sex offender would pose an undue threat to the community if he or she were released from incarceration, released to a reduced level of supervision, or discharged from probation or parole. The criteria shall not limit the decision-making authority of the court or the state board of parole.

**SECTION 3. Juvenile Sex Offenders**

Within xx months from creation of said Board, the Board shall develop and prescribe an evidence-based standardized procedure for the assessment, identification, treatment and management of juvenile sex offenders. Such procedure shall provide for an assessment and identification of the juvenile offender and recommend behavior management, monitoring, treatment, and compliance. The Board shall develop methods of intervention for juvenile sex offenders that have as a priority the physical and psychological safety of victims and potential victims and that are appropriate to the needs of the particular juvenile sex offender so long as there is no known reduction of the safety of victims and potential victims.

The Board shall develop and implement guidelines and standards for a system of programs for the treatment and management of juvenile sex offenders that may be utilized for juvenile sex offenders who are placed on probation, committed to the Department of Youth Services, to the department of children and family, placed on parole, provided evaluation and/or treatment services by the Department of Children and Family Services, or enrolled in an out-of-home placement or in family therapy. The programs developed pursuant to this paragraph shall be as flexible as possible so that such programs may be utilized by each juvenile sex offender to prevent him or her from harming victims and potential victims. Such programs shall be structured to provide a continuing monitoring process, as well as a continuum of treatment programs for each juvenile sex offender as he or she proceeds through the juvenile justice or social services system and may include, but shall not be limited to, group counseling, individual counseling, family therapy, outpatient treatment, inpatient treatment, or treatment in a therapeutic community. Such programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all juvenile sex offenders in the juvenile justice or social services system.

Within 12 months from creation, the Board shall develop and implement a system by which progress and success in treatment of juvenile sex offenders may be measured.

Within 24 months from creation, the Board shall research and analyze the effectiveness of the evaluation, identification, treatment and management procedures and programs for juvenile sex offenders. The Board shall also develop and prescribe a system for implementation of the guidelines and standards developed for tracking juvenile sex offenders who have been subjected to an evidence-based model of risk assessment, identification, treatment, and/or management of juvenile sex offenders. In addition, the Board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes and medical treatment interventions. The results of such tracking and behavioral and medical monitoring shall be a part of any analysis made pursuant to this paragraph.

Within 36 months from creation, the Board, in collaboration with law enforcement agencies, victim advocacy organizations, the Department of Education, the Department of Public Health, and the Department of Public Safety, shall develop for use by schools~~,~~ educational materials and policies regarding general information about preventing sexual violence, adult and juvenile sex offenders, safety concerns related to adult and juvenile sex offenders, and other relevant materials. The Board shall also consider how to provide educational opportunities for juvenile sex offenders in the school system. The Board shall provide a statement and materials to the Department of Elementary and Secondary Education, and the Department of Elementary and Secondary Education shall make the statement and materials available to schools in the state.

The Board and the individual members thereof shall be immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Board as specified in this section. In addition, as the board deems necessary and appropriate, it may exempt itself from the open meeting law.

Funds for evidence-based evaluation, identification, treatment, and continued monitoring pursuant to this section shall be subject to appropriation. Upon statewide implementation of the guidelines said Board shall consult on, approve, and revise as necessary the guidelines developed for both adult and juvenile sex offenders consistent with the latest research findings.