SENATE DOCKET, NO. FILED ON: 12/30/2008

**SENATE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Tarr, Bruce (SEN)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 timely classification of sex offenders

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Tarr, Bruce (SEN) | First Essex and Middlesex |
| Richard R. Tisei | Middlesex and Essex |
| Michael R. Knapik | Second Hampden and Hampshire |
| Robert L. Hedlund | Plymouth and Norfolk |
| Scott P. Brown | Norfolk, Bristol and Middlesex |
| Robert M. Koczera | 11th Bristol |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01009 OF .]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to timely classification of sex offenders.

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

 SECTION 1. Section 2 of Chapter 74 of the Acts of 1999 are hereby amended in Subsection 178L (1) by striking out subsection (a) and replacing it with the following subsection:-

            (a) Not less than 90 days prior to the release or parole of a sex offender from custody or incarceration, the board shall notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register according to the provisions of section 178E.  If the sex offender is a juvenile at the time of such notification, notification shall also be mailed to the sex offender’s legal guardian or agency having custody of the juvenile in the absence of a legal guardian and his most recent attorney of record.  Such sex offender must submit such evidence to the board within 30 days of receiving such notice from the board.  Upon a reasonable showing, the board may extend the time in which such sex offender may submit such documentary evidence, but in no case shall the sex offender submit any information less than 30 days prior to release or parole.  Upon reviewing such evidence, the board shall promptly, but under no circumstance, later than the date of release or parole of the sex offender, notify the sex offender of the board’s recommended sex offender classification, his duty to register, if any, his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under Chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding.  Such sex offender shall petition the board for such hearing within 15 days of receiving such notice.  The board shall conduct such hearing in a reasonable period of time and shall make every effort to conduct such hearing before the date of release or parole of the sex offender according to the provisions of subsection (2).  The failure timely to petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board’s recommended classification shall become final.”