

HOUSE No.

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 creation of a sex offender management board.

PETITION OF:

NAME:

Kay Khan

DISTRICT/ADDRESS:

11th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

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

2

3 Section 18J Sex Offender Management Board.

4

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

9

10 The members of the Board shall be the Secretary of Public Safety; the Attorney General of the
11 Commonwealth or designee; the Commissioner of Probation or designee; The Commissioner of
12 Corrections or designee; the Commissioner of the Department of Youth Services or designee; the
13 Commissioner of the Department of Children and Family or designee; the Commissioner of the
14 Department of Elementary and Secondary Education or designee; the Chief Justice of the Trial
15 Court or designee; the Chief Justice of the Juvenile Court or designee; the Secretary of Executive
16 Office of Health and Human Services or designee; a representative of the Massachusetts District
17 Attorney's Association; a representative of the Massachusetts Chief of Police Association; a
18 representative of the Massachusetts Parole Board; a member of the Massachusetts State Police;
19 and Chief Counsel of the Committee for Public Counsel Services or designee. Additionally, the
20 governor shall appoint five persons; two representing victims organizations one from the
21 Massachusetts Children Alliance and one from Jane Doe, Inc; two persons representing
22 research/sex offender treatment and management organizations; one from the Massachusetts
23 Adolescent Sex Offender Coalition (MASOC), and one from the Massachusetts Association for
24 the Treatment of Sexual Abusers (MATSA). Members appointed by the Governor shall serve for

25 a term of four years. Appointees must have prior proven experience working with these
26 populations. Additionally, advisors may be asked to provide information and data to the board,
27 especially as they relate to the current research and evidence-based practice for working with
28 adults and with juvenile sex offenders.

29

30 **SECTION 2. Adult Sex Offenders**

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

40

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

55

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

61

62 It shall be the duty of the Board to research and analyze the effectiveness of the risk assessment,
63 identification, and treatment and management/containment procedures and programs developed.
64 The Board shall also develop and prescribe a system for implementation of the guidelines and
65 standards developed for tracking adult sex offenders who have been subjected to evidence-based
66 risk assessment, identification, treatment, and management/containment pursuant to this article.
67 In addition, the Board shall develop a system for monitoring adult sex offender behaviors and

68 adult sex offender adherence to prescribed behavioral and medical interventions. The results of
69 such tracking, behavioral, and medical monitoring shall be a part of any analysis reported.

70
71 Within 36 months from creation of said Board, in collaboration with the Department of
72 Corrections, the Judicial Department, and the state Parole Board, the Board shall develop and
73 implement criteria for measuring an adult sex offender's progress in treatment. Such criteria shall
74 assist the court and the state Parole Board in determining whether a sex offender may
75 appropriately be released from incarceration~~or~~, whether the sex offender's level of supervision
76 may be reduced, or whether the sex offender may appropriately be discharged from probation or
77 parole. At a minimum, the criteria shall be designed to assist the court and the state Parole Board
78 in determining whether the sex offender would pose an undue threat to the community if he or
79 she were released from incarceration, released to a reduced level of supervision, or discharged
80 from probation or parole. The criteria shall not limit the decision-making authority of the court or
81 the state board of parole.

82

83 **SECTION 3. Juvenile Sex Offenders**

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

92

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

108

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

111

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

121
122 Within 36 months from creation, the Board, in collaboration with law enforcement agencies,
123 victim advocacy organizations, the Department of Education, the Department of Public Health,
124 and the Department of Public Safety, shall develop for use by schools, educational materials and
125 policies regarding general information about preventing sexual violence, adult and juvenile sex
126 offenders, safety concerns related to adult and juvenile sex offenders, and other relevant
127 materials. The Board shall also consider how to provide educational opportunities for juvenile
128 sex offenders in the school system. The Board shall provide a statement and materials to the
129 Department of Elementary and Secondary Education, and the Department of Elementary and
130 Secondary Education shall make the statement and materials available to schools in the state.

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

136
137 Funds for evidence-based evaluation, identification, treatment, and continued monitoring
138 pursuant to this section shall be subject to appropriation. Upon statewide implementation of the
139 guidelines said Board shall consult on, approve, and revise as necessary the guidelines developed
140 for both adult and juvenile sex offenders consistent with the latest research findings.