

HOUSE No. 02407

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:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

HOUSE No. 02407

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2407) of Provost and others for legislation to establish a sex offender management board within the Executive Office of Public Safety Joint Committee on Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2239 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 Be it enacted by the Senate and House of Representatives in General Court assembled, and by
- 2 the authority of the same, as follows:
- 3 SECTION 1. Chapter 6A of the General Laws, as appearing in the 2008 Official Edition, is
- 4 hereby amended by inserting after section 18 3/4 the following section:-
- 5 Section 18 7/8. (a) There is hereby created in the executive office of public safety and security,
- 6 the sex offender management board, hereinafter, the board.
- 7 (b) The members of the board shall be: the secretary of public safety and security or designee;
- 8 the chairman of the sex offender registry board or designee; the attorney general or designee; the

9 commissioner of probation or designee; the commissioner of corrections or designee; the
10 commissioner of the department of youth services or designee; the commissioner of the
11 department of children and families or designee; the commissioner of the department of
12 elementary and secondary education or designee; the chief justices of the superior court, district
13 court, and juvenile court or designees; the child advocate or designee; the secretary of executive
14 office of health and human services or designee; a representative of the Massachusetts District
15 Attorney's Association; a representative of the Massachusetts Chiefs of Police Association; a
16 representative of the parole board; a member of the state police; and chief counsel of the
17 committee for public counsel services or designee. Additionally, the governor shall appoint 5
18 persons; 1 from the Massachusetts Children Alliance and 1 from Jane Doe, Inc.; 2 persons
19 representing research or sex offender treatment and management organizations; 1 from the
20 Massachusetts Adolescent Sex Offender Coalition; and 1 from the Massachusetts Association for
21 the Treatment of Sexual Abusers. A chairman and vice-chair are to be appointed by the
22 Governor. Members appointed by the governor shall serve for a term of 4 years, with the
23 members initially appointed serving staggered terms. Members may be reappointed. Appointees
24 shall have prior proven experience working with adult and juvenile sex offenders. Additionally,
25 those with expertise in this field may be asked to provide information and data to the board,
26 especially as it relates to the current research and evidence-based practice for working with adult
27 and juvenile sex offenders. If a member is unable to adequately perform the member's duties,
28 the member is subject to removal from the board by a majority vote of the full board. Any
29 vacancies on the board shall be filled by the appointing authority of that member within 30 days
30 of the vacancy for the remainder of that term. Staff support services for the board shall be

31 provided by the staff of the executive office of public safety and security as directed by the
32 secretary.

33 (c) Section 178K of chapter 6, as so appearing in the General Laws of 2008, is hereby amended
34 by deleting in line 33 the words “promulgate guidelines”. And, insert in place thereof the
35 following:- “apply the guidelines as developed by the sex offender management board.” And
36 furthermore, by deleting in line 38 the words “develop” through the word on line 39 and insert in
37 place thereof the following:- “distribute the guidelines to municipal police departments in regard
38 to.” The board shall develop and prescribe evidence-based, standardized procedures and tools
39 for identification, classification, evaluation, treatment and management of adult and juvenile sex
40 offenders for determining the level of risk of reoffense, the degree of dangerousness posed to the
41 public or relief from the obligation to register.

42 (d) Within 1 year of the effective date of this section, the board shall develop an evidence-based,
43 standardized procedure for the risk assessment and identification of adult sex offenders and
44 recommend behavior management, monitoring, assessment and treatment for adult sex offenders.
45 The board shall develop and implement methods of intervention for adult sex offenders which
46 have, as a priority, the physical and psychological safety of victims and potential victims and
47 which are appropriate to the needs of the particular adult sex offender, taking into account the
48 safety of victims and potential victims. The board shall establish a minimum hours of training
49 requirement for professionals working with adult sex offenders. The board shall annually report
50 its findings to the governor and the general court, along with any legislative recommendations.

51 (e) Within 2 years from creation of the board, all agencies shall implement guidelines and
52 standards established by the board for the existing system of programs and for those developed

53 in the future for the treatment and management of adult sex offenders that can be applied to
54 offenders who are placed on probation, incarcerated with the department of corrections, placed
55 on parole, or placed in community corrections. Such programs shall be structured in consultation
56 with the judicial branch and in such a manner that the programs provide a continuing monitoring
57 process, as well as a continuum of treatment programs for each offender as that offender
58 proceeds through the criminal justice system and may include, but shall not be limited to,
59 evidence-based risk assessment, treatment such as group counseling, individual counseling,
60 outpatient treatment, inpatient treatment, or treatment in a therapeutic community and the
61 management and containment of adult sex offenders. Also, such programs shall be developed in
62 such a manner that, to the extent possible, the programs may be accessed by all adult sex
63 offenders in the criminal justice system.

64 (f) The board shall consult on, approve, and revise as necessary the evidence-based risk
65 assessment screening instrument developed by the executive office of public safety and security
66 to assist the sentencing court in determining the likelihood that an offender will commit 1 or
67 more of the sex offenses defined in section 1 of chapter 123A. In carrying out this duty, the
68 board shall consider sex offender risk assessment research.

69 (g) The board shall research and analyze the effectiveness of the risk assessment, identification,
70 treatment, management procedures including containment and programs developed to manage
71 adults with sexual behavior problems. The board shall also develop and prescribe a system for
72 implementation of the guidelines and standards developed for tracking adult sex offenders who
73 have been subjected to evidence-based risk assessment, identification, treatment, and
74 management procedures including containment pursuant to this section.

75 (h) The board shall develop a system for monitoring adult sex offender behaviors and adult sex
76 offender adherence to prescribed behavioral and medical interventions. The results of such
77 behavioral and medical monitoring shall be a part of any analysis reported in the annual report
78 pursuant to this section.

79 (i) Within 3 years from creation of said board, in collaboration with the department of
80 corrections, the judicial branch, the parole board and the community access board, the board
81 shall develop and implement criteria for measuring an adult sex offender's progress in treatment.
82 Such criteria shall assist the court, the parole board and the community access board in
83 determining whether a sex offender may appropriately be released from incarceration, whether
84 the sex offender's level of supervision may be reduced, or whether the sex offender may
85 appropriately be discharged from probation or parole. The criteria shall not limit the decision-
86 making authority of the court, the parole board or the community access board. Section 5, of
87 chapter 27 as so appearing in the Official Edition of the General Laws of 2008, is hereby
88 amended on line 5 by inserting after the word, "conditions", the following:- utilizing the criteria
89 designed by the sex offender management board. Section 1 of chapter 123A, as so appearing in
90 the Official Edition of the General Laws of 2008, is hereby amended on line 14 by inserting after
91 the word, "community", the following:- utilizing the criteria designed by the sex offender
92 management board.

93 (j) Within 1 year of the effective date of this section, the board shall develop and prescribe an
94 evidence-based standardized procedure and tools for the assessment, identification, treatment and
95 management of juvenile sex offenders and recommend behavior management, monitoring,
96 assessment and treatment for juvenile sex offenders. Such procedures shall provide for an
97 assessment and identification of the juvenile offender and recommend behavior management,

98 monitoring, environmental support, treatment and compliance. The board shall develop methods
99 of intervention for juvenile sex offenders that have as a priority the physical and psychological
100 safety of victims and potential victims and which are appropriate to the needs of the particular
101 adult sex offender. The board shall establish a minimum hours of training requirement for
102 professionals working with juvenile sex offenders. The board shall annually report its findings to
103 the governor and the general court, along with any legislative recommendations.

104 (k) Within 1 year, the board shall develop and implement guidelines and standards for a
105 system of programs for the treatment and management of juvenile sex offenders that shall be
106 utilized for juvenile sex offenders who are placed on probation, committed to the department of
107 youth services, to the department of children and families, placed on parole, provided evaluation
108 and treatment services by the department of children and families, or enrolled in an out-of-home
109 placement or in family therapy. The programs developed pursuant to this subsection shall be as
110 flexible as possible so that such programs may be utilized by each juvenile sex offender to
111 prevent the offender from harming victims and potential victims. Such programs shall be
112 structured to provide a continuing monitoring process, as well as a continuum of treatment
113 programs for each juvenile sex offender as the juvenile offender proceeds through the juvenile
114 justice or social services system and may include, but shall not be limited to, group counseling,
115 individual counseling, family therapy, outpatient treatment, inpatient treatment, or treatment in a
116 therapeutic community. Such programs shall be developed in such a manner that, to the extent
117 possible, the programs may be accessed by all juvenile sex offenders committed to the
118 department of youth services, the department of children and families, placed on parole, provided
119 evaluation and treatment services by the department of children and families, or enrolled in an
120 out-of-home placement or in family therapy.

121 (l) Within 1 year from creation, the board shall develop and implement a system by which
122 progress and success in treatment of juvenile sex offenders may be measured.

123 (m) Within 2 years from creation, the board shall research and analyze the effectiveness of the
124 evaluation, identification, treatment and management procedures and programs for juvenile sex
125 offenders. The board shall also develop and prescribe a system for implementation of the
126 guidelines and standards developed for tracking juvenile sex offenders who have been subjected
127 to an evidence-based model of risk assessment, identification, treatment, or management of
128 juvenile sex offenders. In addition, the board shall develop a system for monitoring offender
129 behaviors and offender adherence to prescribed behavioral changes and medical treatment
130 interventions. The results of such tracking and behavioral and medical monitoring shall be a part
131 of any analysis made pursuant to this subsection.

132 (n) Within 3 years from creation, the board, in collaboration with law enforcement agencies,
133 victim advocacy organizations, the department of education, the department of public health, and
134 the department of public safety and security, shall develop for use by schools, educational
135 materials and policies regarding general information about preventing sexual violence, adult and
136 juvenile sex offenders, safety concerns related to adult and juvenile sex offenders, and other
137 relevant materials. The board shall also consider how to provide educational opportunities for
138 juvenile sex offenders in the school system. The board shall provide a statement and materials to
139 the department of elementary and secondary education. The department of elementary and
140 secondary education shall make the statement and materials available to schools in the state.

141 (o) The board and the individual members thereof shall be immune from any liability,
142 whether civil or criminal, for the good faith performance of the duties of the board as specified in

143 this section. Upon statewide implementation of the guidelines the board shall consult on,
144 approve, and revise as necessary the guidelines developed for both adult and juvenile sex
145 offenders consistent with the latest research findings.