

**HOUSE . . . . . No. 00446**

---

---

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 protection of juveniles.

\_\_\_\_\_  
PETITION OF:

NAME:

*Kay Khan*

DISTRICT/ADDRESS:

*11th Middlesex*

# HOUSE . . . . . No. 00446

By Ms. Kay Khan of Newton, petition (accompanied by bill, House, No. 00446) of Kay Khan relative to juveniles accused of sexual offenses. Joint Committee on the Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the protection of juveniles.

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

- 1 Section 1. Section 178C of chapter 6 of the General Laws, as appearing in the 2008 Official
- 2 Edition, is hereby amended by striking out, in lines 41-42, the following:-
- 3 “or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a
- 4 sex offense.”
- 5 Said section is further amended by striking out the following:-
- 6 In lines 44-45 “or custody with the department of youth services for such conviction or
- 7 adjudication;”
- 8 In line 71, “adjudication or;”
- 9 In lines 123-124, “or who has been adjudicated as a youthful offender or as a delinquent juvenile
- 10 by reason of a sexually violent offense;”

11 In lines 126-127, “or custody with the department of youth services for such conviction or  
12 adjudication.”

13 Section 2. Section 178D of chapter 6 of the General Laws, as appearing in the 2008 Official  
14 Edition, is hereby amended by striking out, in line 18, “or adjudicated,” and in line 19, “or  
15 adjudication.”

16 Said section is further amended by striking out, in line 41, “or adjudicated,” and in line 42, “or  
17 adjudication.”

18 Section 3. Section 178E of Chapter 6 of the General Laws, as appearing in the 2008 Official  
19 Edition, is hereby amended by striking out, in line 4, the following:-

20 “the department of youth services.”

21 Said section is further amended by striking out the following:-

22 In lines 28-32 and 70-74, “If such sex offender is a juvenile at the time of such notification,  
23 notification shall also be mailed to such sex offender’s legal guardian or agency having custody  
24 of the juvenile in the absence of a legal guardian and his most recent attorney of record;”

25 In lines 84-86, “or adjudication as a youthful offender or as a delinquent juvenile by reason of a  
26 sex offense.”

27 In lines 96-99, “If such sex offender is a juvenile at the time of such adjudication, the legal  
28 guardian or agency having custody of the juvenile and his most recent attorney of record shall  
29 also be required to acknowledge, in writing, such information.”

30 In line 126, “or adjudication of delinquent or as a youthful offender.”

31 In lines 142-143, “or adjudicated as a youthful offender or as a delinquent juvenile by reason of a  
32 sex offense.”

33 In lines 244-247, “If any such sex offender is a juvenile at the time of such notification,  
34 notification shall also be mailed to such sex offender’s legal guardian or the agency having  
35 custody of the juvenile in the absence of a legal guardian and his most recent attorney of record.”

36 Section 4. Section 178F of chapter 6 of the General Laws, as appearing in the 2008 Official  
37 Edition, is hereby amended by striking out, in lines 30-33, the following:-

38 “If any such sex offender is a juvenile at the time of such notification, notification shall also be  
39 mailed to such sex offender’s legal guardian or the agency having custody of the juvenile in the  
40 absence of a legal guardian and his most recent attorney of record.”

41 Section 5. Section 178F1/2 of chapter 6 of the General Laws, as appearing in the 2008 Official  
42 Edition, is hereby amended by striking out, in lines 28-31, the following:-

43 “If any such sex offender is a juvenile at the time of such notification, notification shall also be  
44 mailed to such sex offender’s legal guardian or the agency having custody of the juvenile in the  
45 absence of a legal guardian and his most recent attorney of record.”

46 Section 6. Section 178G of chapter 6 of the General Laws, as appearing in the 2008 Official  
47 Edition, is hereby amended by striking out, in line 4, “or adjudicated,” and, by striking out, in  
48 line 17, “adjudication.”

49 Section 7. Section 178H of chapter 6 of the General Laws, as appearing in the 2008 Official  
50 Edition, is hereby amended by striking out, in line 11, the following:-

51 “adjudicated or.”

52 Section 8. Section 178I of chapter 6 of the General Laws, as appearing in the 2008 Official  
53 Edition, is hereby amended by striking out, in lines 9-10, “or adjudicated,” and, by striking out,  
54 in line 10, “or adjudications.”

55 Section 9. Section 178J of chapter 6 of the General Laws, as appearing in the 2008 Official  
56 Edition, is hereby amended by striking out, in line 52, “or adjudicated,” and, by striking out, in  
57 line 53, “or adjudication.”

58 Section 10. Section 178K of chapter 6 of the General Laws, as appearing in the 2008 Official  
59 Edition, is hereby amended by striking out, in line 12, the following:-

60 “including juvenile sex offenders.”

61 Said section is further amended by striking out the following:-

62 In lines 79-80, “(e) whether the sex offender was a juvenile when he committed the offense, his  
63 response to treatment and subsequent criminal history;”

64 In line 153, “or adjudicated;”

65 In line 154, “or adjudication;”

66 In line 243-244, “or adjudicated as a delinquent juvenile or as a youthful offender by reason;”

67 Section 11. Section 178L of chapter 6 of the General Laws, as appearing in the 2008 Official  
68 Edition, is hereby amended by striking out, in lines 7-10, “provided, however, that if the sex  
69 offender was a juvenile at the time of the offense, written approval must be given by a board  
70 member who is a licensed psychologist or psychiatrist with special expertise in the assessment  
71 and evaluation of juvenile sex offenders.”

72

73 Said section is further amended by striking out:

74 In lines 16-19 and lines 55-58, “If the sex offender is a juvenile at the time of such notification,  
75 notification shall also be mailed to the sex offender’s legal guardian or agency having custody of  
76 the juvenile in the absence of a legal guardian and his most recent attorney of record;”

77 In line 41, “or adjudication;”

78 In lines 91-92, “All offenders who are juveniles at the time of notification shall be represented by  
79 counsel at the hearing.”