

20 chapter one hundred and twenty-seven and section eighty-seven B of
21 chapter two hundred and seventy-six.

1 SECTION 2. Chapter 22 of the General Laws, is hereby amended
2 by adding the following section:—

3 Section 21. There shall be in the department of public safety a
4 board to be known as the sex offender treatment board. The board
5 shall consist of the commissioner of the department of corrections,
6 or his designee, the commissioner of the department of public safety,
7 or his designee, the commissioner of the department of mental
8 health, or his designee and six persons to be appointed by the com-
9 missioner of public safety, one of whom shall be a district attorney,
10 one of whom shall be an attorney experienced in the area of criminal
11 defense, one of whom shall be a member of the community access
12 board established under section one of chapter one hundred and
13 twenty-three A, one of whom shall be a representative of law
14 enforcement, one of whom is a person with expertise in the treat-
15 ment of sex offenders, and one of whom is a person with experience
16 in the area of sexual abuse and deals with victims of such sexual
17 abuse. Said members shall serve for terms of four years; provided,
18 however, that in the initial appointment of appointive members two
19 members shall serve for two years, two members for three years and
20 two members for four years. The commissioner of public safety or
21 his designee shall serve as chairperson. Said members shall serve
22 without compensation but shall be reimbursed for all expenses nec-
23 essarily incurred in connection with their official duties.

24 There shall be an executive secretary of the board who shall assist
25 the members in their responsibilities. Such clerical, technical and
26 other assistants required by the board shall be assigned by the com-
27 missioner.

28 The board shall develop and prescribe a standardized procedure
29 for the evaluation and identification of sex offenders, as defined in
30 section eighty-seven B of chapter two hundred and seventy-six.
31 Such procedure shall provide for an evaluation and identification of
32 the offender and recommend behavior management, monitoring, and
33 treatment based upon the knowledge that sex offenders are
34 extremely habituated and that there is no known cure for the propen-
35 sity to commit sex abuse. The board shall develop and implement
36 measures of success based upon a no-cure policy for intervention.

37 The board shall develop and implement methods of intervention for
38 such sex offenders which have as a priority the physical and psycho-
39 logical safety of victims and potential victims and which are appro-
40 priate to the needs of the particular offender, provided that there is
41 no reduction of the safety of victims and potential victims.

42 The board shall develop guidelines and standards for a system of
43 programs for the treatment of such sex offenders which can be uti-
44 lized by offenders who are placed on probation or parole or required
45 to perform community service. Such programs shall be as flexible as
46 possible so that such programs may be utilized by each offender to
47 prevent him from harming victims and potential victims. Such pro-
48 grams shall be structured in such a manner that the programs provide
49 a continuing monitoring process as well as a continuum of treatment
50 programs for each offender as that offender proceeds through the
51 criminal justice system and may include, but shall not be limited to,
52 group counseling, individual counseling, outpatient treatment, inpa-
53 tient treatment, or treatment in a therapeutic community. Such pro-
54 grams shall be developed in such a manner that, to the extent
55 possible, the programs may be accessed by all offenders in the crim-
56 inal justice system. The procedures for evaluation, identification,
57 treatment, and continued monitoring required to be developed pur-
58 suant to this section shall be implemented only to the extent moneys
59 are available in the sex offender surcharge trust fund established in
60 section sixty-two of chapter ten.

61 The board shall research and analyze the effectiveness of the eval-
62 uation, identification, and treatment procedures and programs devel-
63 oped pursuant to this section. The board shall also develop and
64 prescribe a system for tracking offenders who have been subjected to
65 evaluation, identification, and treatment pursuant to this section. The
66 board shall develop a system for monitoring offender behaviors and
67 offender adherence to prescribed behavioral changes. The results of
68 such tracking and behavioral monitoring shall be a part of any
69 analysis made pursuant to this paragraph.

70 The board and the individual members thereof shall be immune
71 from any liability, whether civil or criminal, for the good faith per-
72 formance of the duties of the board as specified in this section.

1 SECTION 3. Chapter 127 of the General Laws is hereby amended
2 by inserting after section 133B the following section:—

3 Section 133B 1/2. On and after January first, nineteen hundred
4 and ninety-six, each sex offender, as defined in section eighty-seven
5 B of chapter two hundred and seventy-six, who is to be considered
6 for parole shall be required, as a part of any investigation, to submit
7 to an evaluation for treatment, an evaluation for risk, procedures
8 required for monitoring of behavior to protect victims and potential
9 victims, and an identification developed pursuant to section twenty-
10 one of chapter twenty-two. Said evaluation and identification shall
11 be at the expense of the person evaluated, based upon such person's
12 ability to pay for such treatment.

13 Notwithstanding any provisions of law to the contrary, each sex
14 offender, as defined in section eighty-seven B of chapter two hun-
15 dred and seventy-six, placed on parole by the parole board, on or
16 after January first, nineteen hundred and ninety-six, shall be
17 required, as a condition of such parole, to undergo treatment to the
18 extent appropriate to such offender based upon the recommendations
19 of the evaluation and identification pursuant to this section or any
20 evaluation or subsequent reevaluation regarding such person during
21 any period of parole. Any such treatment shall be at such person's
22 expense, based upon such person's ability to pay for such treatment.

1 SECTION 4. Chapter 276 of the General Laws is hereby amended
2 by inserting after section eighty-seven A the following section:—

3 Section 87B. As used in this section, the following terms shall,
4 unless the context clearly indicates otherwise, have the following
5 meanings:—

6 “Sex offender”, any person who is convicted in the common-
7 wealth, on or after January 1, 2008, of any sexual offense or of any
8 criminal offense, if such person has previously been convicted of a
9 sexual offense, or if such person has previously been convicted in
10 any other jurisdiction of any offense which would constitute a sexual
11 offense as defined in this section or if such person has a history of
12 any sexual offenses.

13 “Sex offender treatment board”, the board established in section
14 twenty-one of chapter twenty-two.

15 “Sex Offender Surcharge Trust Fund”, the fund established in
16 section sixty-two of chapter ten.

17 “Sexual offense”, includes any of the following crimes: indecent
18 assault and battery on a child under fourteen under the provisions of

19 section thirteen B of chapter two hundred and sixty-five; indecent
20 assault and battery on a mentally retarded person under the provi-
21 sions of section thirteen F of chapter two hundred and sixty-five;
22 indecent assault and battery on a person who has attained the age of
23 fourteen under the provisions of section thirteen H of chapter two
24 hundred and sixty-five; rape under the provisions of section twenty-
25 two of chapter two hundred and sixty-five; rape of a child under six-
26 teen with force under the provisions of section twenty-two A of
27 chapter two hundred and sixty-five; rape and abuse of a child under
28 sixteen under the provisions of section twenty-three of chapter two
29 hundred and sixty-five; assault with intent to commit rape under the
30 provisions of section twenty-four of chapter two hundred and sixty-
31 five; unnatural and lascivious acts with a child under the age of six-
32 teen under the provisions of section thirty-five A of chapter two
33 hundred and seventy-two; and any attempt to commit any of the
34 above listed crimes under the provisions of section six of chapter
35 two hundred and seventy-four.

36 On and after January first, nineteen hundred and ninety-six, each
37 sex offender who is to be considered for probation shall be required,
38 as a part of any pre-sentence or probation investigation, to submit to
39 an evaluation for treatment, an evaluation for risk, procedures
40 required for monitoring of behavior to protect victims and potential
41 victims, and an identification developed pursuant to section twenty-
42 one of chapter twenty-two. Said evaluation and identification shall
43 be at the expense of the person evaluated, based upon such person's
44 ability to pay for such treatment.

45 Each sex offender sentenced by the court for an offense com-
46 mitted on or after January first, nineteen hundred and ninety-six
47 shall be required, as a part of any sentence to probation or commu-
48 nity service to undergo treatment to the extent appropriate to such
49 offender based upon the recommendations of the evaluation and
50 identification made pursuant to this section, or based upon any sub-
51 sequent recommendations by the department of corrections, the judi-
52 cial department, or the department of public safety, whichever is
53 appropriate. Any such treatment and monitoring shall be at such per-
54 son's own expense, based upon such person's ability to pay for such
55 treatment.

1 SECTION 5. Chapter 279 of the General Laws is hereby amended
2 by inserting after section 4B the following section:—

3 Section 4C. Notwithstanding the provision of any law to the con-
4 trary, on and after July 1, 2008, each person convicted of a sexual
5 offense as defined in section eighty-seven B of chapter two hundred
6 and seventy-six shall pay a surcharge to the clerk of the court in
7 which the conviction occurs in the amount of five hundred dollars.
8 Said surcharge shall be credited to the sex offender surcharge trust
9 fund established in section sixty-two of chapter ten for the purposes
10 set forth therein.

11 The court may waive all or any portion of the surcharge required
12 by this section if the court finds that a person convicted of a sex
13 offense is indigent or financially unable to pay all or any portion of
14 such surcharge. The court shall waive only that portion of the sur-
15 charge which the court has found that the person convicted of a sex
16 offense is financially unable to pay.

1 SECTION 6. The sex offender treatment board shall develop the
2 procedures, guidelines, standards and programs set out in section
3 twenty-one of chapter twenty-two of the General Laws on or before
4 January 1, 2008.

1 SECTION 7. The sex offender treatment board shall develop a
2 plan for the allocation of moneys deposited in the Sex Offender
3 Surcharge Trust Fund established in section sixty-two of chapter ten
4 of the General Laws. Said board shall coordinate the expenditure of
5 moneys from the sex offender surcharge fund with any moneys
6 expended by any department for purposes of identification, evalua-
7 tion, and treatment of sex offenders. Said plan developed pursuant to
8 this section shall be submitted to the general court on or before
9 January 1, 2008.

1 SECTION 8. The sex offender treatment board shall report to the
2 senate and house of representatives on or before January first, nine-
3 teen hundred and ninety-six regarding the implementation of this act,
4 and the standardized procedures developed pursuant to this act.