

SENATE NO. 1009

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:*

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

3 (a) Not less than 90 days prior to the release or parole of a sex offender from custody or
4 incarceration, the board shall notify the sex offender of his right to submit to the board
5 documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to
6 the public and his duty to register according to the provisions of section 178E. If the sex
7 offender is a juvenile at the time of such notification, notification shall also be mailed to the sex
8 offender's legal guardian or agency having custody of the juvenile in the absence of a legal
9 guardian and his most recent attorney of record. Such sex offender must submit such evidence
10 to the board within 30 days of receiving such notice from the board. Upon a reasonable
11 showing, the board may extend the time in which such sex offender may submit such
12 documentary evidence, but in no case shall the sex offender submit any information less than 30
13 days prior to release or parole. Upon reviewing such evidence, the board shall promptly, but
14 under no circumstance, later than the date of release or parole of the sex offender, notify the sex

15 offender of the board's recommended sex offender classification, his duty to register, if any, his
16 right to retain counsel to represent him at such hearing and his right to have counsel appointed
17 for him if he is found to be indigent as determined by the board using the standards under
18 Chapter 211D; provided, however, that such indigent offender may also apply for and the board
19 may grant payment of fees for an expert witness in any case where the board in its classification
20 proceeding intends to rely on the testimony or report of an expert witness prepared specifically
21 for the purposes of the classification proceeding. Such sex offender shall petition the board for
22 such hearing within 15 days of receiving such notice. The board shall conduct such hearing in a
23 reasonable period of time and shall make every effort to conduct such hearing before the date of
24 release or parole of the sex offender according to the provisions of subsection (2). The failure
25 timely to petition the board for such hearing shall result in a waiver of such right and the
26 registration requirements, if any, and the board's recommended classification shall become
27 final."