

SENATE NO. 1043

AN ACT RELATIVE TO THE HOUSING 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. Subsection (2) of section 178K of chapter 6 of the General Laws, as most recently
2 amended by section 6 of chapter 303 of the acts of 2006, is hereby further amended by adding
3 the following section:--(f) No sex offender designated as a level 3 offender shall knowingly
4 establish living conditions within, be placed in, or be transferred to any convalescent or nursing
5 home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate
6 care facility for the mentally retarded as defined in section 71 of chapter 111. Whoever violates
7 the provisions of this subsection shall, for a first conviction, be punished by imprisonment for
8 not more than 30 days in a house of correction; for a second conviction, be punished by
9 imprisonment for not more than two and one-half years in a house of correction nor more than
10 five years in a state prison or by a fine of not more than \$1,000, or by both such fine and
11 imprisonment; and for a third and subsequent conviction, be punished by imprisonment in a
12 state prison for not less than five years; provided, however, that the sentence imposed for such
13 third or subsequent conviction shall not be reduced to less than five years, nor suspended, nor
14 shall any person sentenced herein be eligible for probation, parole, work release or furlough, or
15 receive any deduction from his sentence for good conduct until he shall have served five years.

16 Prosecutions commenced hereunder shall neither be continued without a finding nor placed on
17 file.