

MASSACHUSETTS SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

Commonwealth of Massachusetts Sex-Offender Registry Board

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<http://www.state.ma.us/sorb/community.htm>

NUMBER OF REGISTERED SEX OFFENDERS

Unknown.¹

1. WHO IS REQUIRED TO REGISTER?

A person is required to register if he or she lives or works in Massachusetts and if, on or after August 1, 1981, he or she is deemed a sex offender or a sexually violent predator.

2. WHO IS A “SEX OFFENDER”?

A “sex offender” is a person who resides or works in Massachusetts and who has been convicted of a sex offense, who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense, who has been released from incarceration, parole, probation supervision, or custody with the Massachusetts Department of Youth Services for such a conviction or adjudication, who has been adjudicated a sexually dangerous person, or who has been released from civil commitment, whichever last occurs, on or after August 1, 1981.

(Mass. Gen. Laws ch. 6, § 178C)

3. WHO IS A “SEXUALLY VIOLENT PREDATOR”?

A “sexually violent predator” is a person who has been convicted of a sexually violent offense, who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sexually violent offense, or who has been released from incarceration, parole, probation supervision, commitment, or custody with the Massachusetts Department of Youth Services for such a conviction or adjudication, whichever last occurs, on or after August 1, 1981, and who suffers from a mental abnormality or personality disorder that makes him or her likely to engage in predatory sexually violent offenses.

(Mass. Gen. Laws ch. 6, § 178C)

4. WHAT IS A “SEX OFFENSE”?

“Sex offense” includes:

- (1) indecent assault and battery on a:
 - (a) minor under 14;
 - (b) mentally retarded person; or
 - (c) person 14 years of age or older;
- (2) rape;
- (3) rape of a minor under 16 with force;
- (4) rape and abuse of a minor;
- (5) assault with the intent to commit rape;

¹ Massachusetts is currently in the process of certifying and registering sex offenders. As of January 2003, 1,880 offenders have been certified and registered out of 18,000 potential offenders who may require registration. For more information on the certification and registration process, please contact the Massachusetts Sex-Offender Registry Board.

- (6) assault of a minor with the intent to commit rape;
- (7) kidnapping of a minor;
- (8) enticing away a person for prostitution or sexual intercourse;
- (9) drugging persons for sexual intercourse;
- (10) inducing a minor into prostitution;
- (11) living off or sharing earnings of a minor prostitute;
- (12) second and subsequent adjudication or conviction for open and gross lewdness and lascivious behavior, but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992;
- (13) incestuous marriage or intercourse;
- (14) disseminating harmful matter to a minor;
- (15) posing or exhibiting a minor in a state of nudity;
- (16) dissemination of visual material of a minor in a state of nudity or sexual conduct;
- (17) possession of child pornography;
- (18) unnatural and lascivious acts with a minor under 16;
- (19) aggravated rape; and
- (20) any attempt to commit a violation of any offense listed in (1) through (19) above, or a like violation of the laws of another state; the United States; or a military, territorial, or Indian tribal authority.

(Mass. Gen. Laws ch. 6, § 178C)

5. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Among the juvenile offenders who may be required to register are those who, on or after August 1, 1981, are:

- (1) adjudicated:
 - (a) as a delinquent juvenile by reason of a sex offense or a sexually violent offense; or
 - (b) as a youthful offender by reason of a sex offense or a sexually violent offense; or
- (2) released from the Massachusetts Department of Youth Services following a conviction or adjudication for a sex offense or a sexually violent offense.

(Mass. Gen. Laws ch. 6, § 178C)

6. WHEN AND HOW DOES AN OFFENDER REGISTER IN MASSACHUSETTS?

At least 90 days prior to the release from custody of any offender who is required to register, the agency having custody over him or her must give to the Sex-Offender Registry Board his or her registration data, including identifying factors, anticipated future residence, offense history, and documentation of any treatment received for a mental abnormality. The Sex-Offender Registry Board must then give the registration data to the police departments in the municipalities where the offender intends to live and work, where the offense was committed, and to the Federal Bureau of Investigation (FBI). No later than two days after an offender's release from custody, he or she must register by mailing, on a form approved by the Sex-Offender Registry Board, and signed under the pains and penalties of perjury, his or her name, home address or intended home address, and work address or intended work address to the Sex-Offender Registry Board.

(Mass. Gen. Laws ch. 6, § 178E(a))

An agency that has supervision over an offender who is required to register and who is on probation or parole must, within five days of assuming supervision of the offender, give to the Sex-Offender Registry Board the offender's registration data, including identifying factors, anticipated future residence, offense history, and documentation of any treatment received for a mental abnormality. The agency must also report any changes of address of any offender required to register within its jurisdiction to the Sex-Offender Registry Board. The Sex-Offender Registry Board must then give the registration data to the

police departments in the municipalities where the offender intends to live and work, where the offense was committed, and to the FBI. Within two days of receiving notice of his or her duty to register, an offender must register by mailing, on a form approved by the Sex-Offender Registry Board, and signed under the pains and penalties of perjury, his or her name, home address or intended home address, and work address or intended work address to the Sex-Offender Registry Board.

(Mass. Gen. Laws ch. 6, § 178E(b))

Any court that enters a conviction for a sex offense or adjudication as a youthful offender or as a delinquent juvenile by reason of sex offense, but does not impose a sentence of confinement of 90 days or more to be served immediately, must provide the Sex-Offender Registry Board with registration data within five days of sentencing. The Sex-Offender Registry Board must then, in turn, give the registration data to the police departments in the municipalities where the sex offender intends to live and work, where the offense was committed, and to the FBI. The offender must, within two days of receiving notice or of release from confinement, whichever is later, register by mailing, on a form approved by the Sex-Offender Registry Board, and signed under the pains and penalties of perjury, his or her name, home address or intended home address, and work address or intended work address to the Sex-Offender Registry Board.

(Mass. Gen. Laws ch. 6, § 178E(c))

7. WHO MAINTAINS INFORMATION ON REGISTERED OFFENDERS?

The Sex-Offender Registry Board, in cooperation with the Criminal History Systems Board, maintains a central computerized registry of all offenders required to register in Massachusetts.

(Mass. Gen. Laws ch. 6, § 178D)

8. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

The file on each registered offender must include the offender's:

- (1) name and any aliases used;
- (2) date and place of birth;
- (3) sex;
- (4) race;
- (5) height and weight;
- (6) eye and hair color;
- (7) social-security number;
- (8) home address;
- (9) work address;
- (10) photograph;
- (11) fingerprints;
- (12) offense(s) for which he or she was convicted or adjudicated;
- (13) the city or town where the offense occurred;
- (14) the date of conviction or adjudication;
- (15) the sentence imposed;
- (16) any other information which may be useful in assessing the risk of the offender to reoffend; and
- (17) any other information that may be useful in identifying the offender.

(Mass. Gen. Laws ch. 6, § 178D)

9. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

An offender who is required to register and who intends to move to a different city or town within Massachusetts must, no later than 10 days prior to establishing a new residence, register by mailing, on a form approved by the Sex-Offender Registry Board, and signed under the pains and penalties of perjury, to the Sex-Offender Registry Board his or her home address or intended home address and work address or intended work address. The Sex-Offender Registry Board must then give notice of such changes to the police departments in the municipalities where the offender last registered, where the offender intends to live, where the offense was committed, and to the FBI.

(Mass. Gen. Laws ch. 6, § 178E(h))

An offender who is required to register and who intends to change his or her address within the same city or town must notify the Sex-Offender Registry Board, in writing, no later than 10 days prior to establishing a new residence. The Sex-Offender Registry Board must give notice of the change in address to the police departments within the city or town, in the municipality where the offense was committed, and to the FBI.

(Mass. Gen. Laws ch. 6, § 178E(h))

An offender who is required to register and who intends to change his or her work address must notify the Sex-Offender Registry Board, in writing, no later than 10 days prior to establishing a new work address. The Sex-Offender Registry Board must give notice of the change of address to the police department in the municipalities where the offender previously worked, where the offender intends to work, where the offender resides or intends to reside, where the offense was committed, and to the FBI.

(Mass. Gen. Laws ch. 6, § 178E(j))

An offender classified as a Level-2 (moderate-risk) or Level-3 (high-risk) offender must also give notice in person at the police department in the city or town where such sex offender resides and works.

(Mass. Gen. Laws ch. 6, § 178F1/2)

10. WHAT HAPPENS IF AN OFFENDER MOVES FROM MASSACHUSETTS TO ANOTHER STATE?

An offender who is required to register and who intends to move out of Massachusetts must notify the Sex-Offender Registry Board no later than 10 days before leaving Massachusetts. The Sex-Offender Registry Board must then give notice of the change of address to the police departments in the municipalities where the sex offender last registered, where the offense was committed, and to the FBI. The Sex-Offender Registry Board must also notify the offender of his or her duty to register in the new jurisdiction. The Sex-Offender Registry Board must also forward a copy of the offender's registration data to the appropriate law-enforcement agency in the new jurisdiction.

(Mass. Gen. Laws ch. 6, § 178E(i))

An offender classified as a Level-2 (moderate-risk) or Level-3 (high-risk) offender must also give notice in person at the police department in the city or town where he or she will reside.

(Mass. Gen. Laws ch. 6, § 178F1/2)

11. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO MASSACHUSETTS REQUIRED TO REGISTER?

An offender who moves to Massachusetts from another jurisdiction must, within two days of moving into Massachusetts, register by mailing, on a form approved by the Sex-Offender Registry Board, and signed under the pains and penalties of perjury, to the Sex-Offender Registry Board his or her name, home address or intended home address, and work address or intended work address. The Sex-Offender

Registry Board must, in turn, give the registration data to the police department in the municipality where the offender intends to live and work and to the FBI.

(Mass. Gen. Laws ch. 6, § 178E(g))

An offender classified as a Level-2 (moderate-risk) or Level-3 (high-risk) offender must also give notice in person at the police department in the city or town where he or she resides.

(Mass. Gen. Laws ch. 6, § 178F1/2)

12. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN MASSACHUSETTS?

An offender living in another state and working in Massachusetts must register with the Sex-Offender Registry Board within two days of beginning employment.

(Mass. Gen. Laws ch. 6, § 178E)

An offender classified as a Level-2 (moderate-risk) or Level-3 (high-risk) offender must also give notice in person at the police department in the city or town where he or she works.

(Mass. Gen. Laws ch. 6, § 178F1/2)

13. IS REGISTRATION A LIFETIME REQUIREMENT?

The duty of a registered offender to comply with registration requirements, unless sooner terminated by the Sex-Offender Registry Board, ends 20 years after he or she has been convicted, adjudicated, or released from all custody or supervision, whichever occurs last, unless he or she was convicted of two or more sex offenses defined as sex offenses pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. § 14071), committed on different occasions; has been convicted of a sexually violent offense; has been determined by the sentencing court to be a sexually violent predator; or if such sex offender is otherwise subject to lifetime-registration requirements as determined by the Sex-Offender Registry Board, in which cases the duty to register will never be terminated.

(Mass. Gen. Laws ch. 6, § 178G)

An offender required to register with the Sex-Offender Registry Board may make an application to the Sex-Offender Registry Board to terminate the registration obligation upon proof, by clear and convincing evidence, that he or she has not committed a sex offense within 10 years following conviction, adjudication, or release from all custody or supervision, whichever is later, and is not likely to pose a danger to the safety of others.

(Mass. Gen. Laws ch. 6, § 178G)

An offender determined by the sentencing court to be a sexually violent predator may, not earlier than 10 years after such determination, file a motion in the sentencing court for a determination of whether he or she remains a sexually violent predator. The court must notify and obtain a report from the Sex-Offender Registry Board and the burden will be on the sex offender to demonstrate to the court by clear and convincing evidence that he or she is no longer a sexually violent predator. Any subsequent conviction for a sex offense or act of domestic violence is *prima facie* evidence that the offender is still a sexually violent predator.

(Mass. Gen. Laws ch. 6, § 178G)

14. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

Whenever a police officer has probable cause to believe that an offender has failed to comply with the registration requirements, the officer has the right to arrest the offender without a warrant and to keep the offender in custody.

(Mass. Gen. Laws ch. 6, § 178P)

15. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

Any person who is 18 or older and who states that he or she is requesting sex-offender registry information for his or her own protection, for the protection of a minor under 18, or for another person for whom the requesting person has responsibility, care, or custody is entitled to receive, at no cost from the Sex-Offender Registry Board, a report indicating whether a person identified by name, date of birth, or sufficient personal identifying characteristics is an offender with an obligation to register in Massachusetts, the offenses for which he or she was convicted or adjudicated, and the dates of such convictions or adjudications. Only information about offenders classified as Level 2 (moderate risk) or Level 3 (high risk) is made public upon request. Information will not be given to the public about Level-1 (low-risk) offenders.

(Mass. Gen. Laws ch. 6, § 178I; § 178K(2))

If the search of the sex-offender registry results in the identification of a Level-2 (moderate-risk) or Level-3 (high-risk) offender, the police must give the following information to the person making the inquiry:

- (1) the name of the offender;
- (2) the home and/or work address(es) of the sex offender if located in the city and town in which the inquiry is made, or if located at a specific residential address, business address, school, after-school program, daycare center, playground, recreational area, or other address identified by the person making the inquiry;
- (3) the offense for which the offender was convicted or adjudicated and the dates of such conviction or adjudication;
- (4) the offender's age, sex, race, height, weight, eye and hair color; and
- (5) a photograph of the offender, if available.

(Mass. Gen. Laws ch. 6, § 178J(c))

16. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Massachusetts Sex-Offender Registry Board web site, <http://www.state.ma.us/sorb/community.htm>, provides general information about the number of Level-2 (moderate-risk) and Level-3 (high-risk) offenders who may live and/or work in a specified city or town in Massachusetts. The web site does not provide offender-specific information. Information about who the offenders are in a specific community or whether an offender lives or works at a specific street address is available at the police department in that community. Upon presenting proper identification and filling out a request form, you are entitled to receive information on Level-2 (moderate-risk) and Level-3 (high-risk) offenders.

17. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

Information contained in the sex-offender registry cannot be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who uses disclosed information for such purposes may be punished by not more than two-and-one-half years in a house of correction, by a fine of not more than \$1,000, or by both.

(Mass. Gen. Laws ch. 6., § 178N)