

# SEX OFFENDER INFORMATION

## WHAT IS A SEX OFFENDER?

A sex offender is any person who resides or works in the Commonwealth and who has been convicted of a sex offense, or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense, or a person released from incarceration or parole or probation supervision or custody with the department of youth services for such conviction or adjudication, or a person who has been adjudicated a sexually dangerous person or a person released from civil commitment on or after August 1, 1988

## WHO IS REQUIRED TO REGISTER?

A sex offender as defined in M.G.L 6 s 178 C who lives and works in the Commonwealth and has on or after August 1, 1981 was either convicted as an adult of a sex offense or adjudicated a juvenile delinquent or a youthful offender by reason of a sex offense or released from incarceration, parole, probation, or DYS ( in such custody as a result of a sex offense conviction ) or adjudicated as a sexually dangerous person pursuant to M.G.L C 123 S 14

LEVEL 1 offenders are required to register with the SORB annually by mail ( birth date )

LEVEL 2 and 3 offenders are required to register annually in person at the local police department ( birth date )

Sexually violent predators and homeless offenders are required to register in person at the local police department 90 days.

## ARREST WITHOUT A WARRANT

Under M.G.L 6 S 178P, whenever a police officer had probable cause to believe that a sex offender has failed to comply with the registration requirements.... Such officer shall have the right to arrest such sex offender without a warrant and to keep such sex offender in custody

## WHAT IS A SEX OFFENSE?

- “Sex Offense “ as defined under M.G.L c. 6, section 178C
- : indecent assault & battery on a child under or over 14, or on a mentally retarded person
    - : indecent assault & battery on a person;
  - : rape , aggravated rape , rape of a child under 16 with force, rape and abuse of a child;
  - : assault with intent to commit rape, assault of a child with intent to commit rape;
    - : kidnapping of a child ( by non-parent );
    - : enticing a person away for prostitution or sexual intercourse;
  - : inducing a minor into prostitution, living off or sharing earnings of a minor prostitute;
  - : second and subsequent adjudication or open and gross lewdness and lascivious behavior, but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992;
    - : incestuous marriage or intercourse;
    - : disseminating to a minor matter harmful to a minor;
    - : posing or exhibiting a child in a state of nudity;
  - : dissemination of visual material of a child in a state of nudity or sexual conduct;
    - : possession of child pornography;
    - : unnatural and lascivious acts with a child under 16; or
  - any attempt to commit a violation of any laws of another state, the United States or a military, territorial or Indian tribal authority.

## WHAT IS NOT A SEX OFFENSE?

- : Adult prostitution
- : Common night walking
- : Indecent Exposure
- : Open and Gross Lewd Speech and Behavior
- : Single conviction for Open and Gross, Lewdness and Lascivious Behavior

## CLASSIFICATION LEVELS

Sex offenders will be classified according to the degree of dangerousness they pose to the public and their likelihood for reoffending. An offender’s classification will be as follows;

- : LEVEL 1 or “low risk” offender
- : LEVEL 2 or “ moderate risk “ offender
- : LEVEL 3 or “ high risk “ offender

In addition, if the Sex Offender Registry Board, in finally giving an offender a Level 3 classification, also concludes that such sex offender should be designated a Sexually Violent Predator, the Board shall transmit a report to the sentencing court explaining the Board's reasons for so recommending, including specific identification of the sexually violent offense committed by such sex offender and the mental abnormality from which he/she suffers. The sentencing court shall then have the ultimate decision to determine whether such sex offender is a sexually violent predator.

## OBTAINING INFORMATION ABOUT SEX OFFENDERS IN THE TOWN OF FAIRHAVEN

Any member of the public who is at least 18 years of age or older may request sex offender information. The information will be provided to any person who is seeking information for his/her protection or the protection of a child under the age of 18 or for the protection of another person whom the requesting person has responsibility, care, custody. You may request sex offender information at the Fairhaven Police Department or through the Sex Offender Registry Board.

Information about a sex offender is available to the public only if the sex offender has a duty to register and the sex offender has been finally classified by the Board as a Level 2 or a Level 3 offender. Before an offender can be finally classified he/she must be offered the opportunity for an administrative, evidentiary hearing to determine his/her degree of dangerousness and the likelihood for reoffending. As a result, information pertaining to a sex offender will not be available to the public unless and until the offender has been given the opportunity for a hearing. Once an offender has been classified as a Level 2 or Level 3 offender, his/her information will be available to the public

A person may request information through their Police Department by completing a Sex offender request form. This form will consist of the following information

- 1: Name and address of the requester.

- 2: Inquire whether a specific individual or a person described by sufficient identifying information to allow the police to identify if the individual is a sex offender.

- 3: The requester may inquire whether any sex offenders live or work within the same city or town or a specific address, including, but not limited to, a residential address, business address, school, after school program, day care center, playground, recreational area or other identified address.

- 4: The requester may inquire whether any sex offenders live or work at a specific street address within the city or town where the person is requesting sex offender information.

- 5: The reason for the request.

- 6: Date and time of the request.

If the request results in the identification of a sex offender, the police will distribute the offender's name, home address, work address, age, sex, height, weight, eye and hair color, the offenses committed and the dates of conviction and /or adjudication and a photo of the individual if available.

The information is provided free of charge and all records will be kept confidential, except to assist or defend in a criminal prosecution. The police will not release any information identifying the victim by name, address or relation to the offender.

Information on Level 1 ( low risk ) offenders is not available to the public

Information on Level 3 ( high risk ) offenders will automatically be released to the general public by community notification. This notification will consist, but not limited to, an announcement in local newspapers, information posted at schools, Town Hall, Recreation Center, Library etc, and announced on the local cable television community information board.

\*\*\*\*\* WARNING \*\*\*\*\*

SEX OFFENDER REGISTRY INFORMATION SHALL NOT BE USED TO COMMIT A CRIME OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR HARRASEMENT OF AN OFFENDER. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO M.G.L. C 6, SS 178C -178P FOR SUCH PURPOSES SHALL BE PUNISHED BY NOT MORE THAN 2 ½ YEARS IN THE HOUSE OF CORRECTION OR BY A FINE OF NOT MORE THAN \$1,000 OR BOTH (M.G.L 6 S 178N ). IN ADDITION ANY PERSON WHO USES REGISTRY INFORMATION TO THREATEN TO COMMIT A CRIME MAY BE PUNISHIBALE BY A FINE OF NOT MORE THAN \$100 OR BY INPRISONMENT FOR NOT MORE THAN 6 MONTHS ( M.G.L C 275 S 4 )

PUBLIC OFFICIAL/ PUBLIC EMPLOYEES ARE NOT CIVILLY OR CRIMINALLY LIABLE FOR DISSEMINATION OR ANY OMISSION IF ACTING IN GOOD FAITH.

## ANY QUESTIONS?

You may contact Sergeant Michael Botelho at 508-997-7421 or the Sex Offender Registry Board at 508-978-740-6410, or visit their website at [www.state.ma.us/sorb](http://www.state.ma.us/sorb)