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SEX OFFENDER CLASSIFICATION: ITS NOT FOR LIFE – KNOW YOUR RIGHTS

Pre-Classification: Requirements to Register, Review and Hearings

Three Classification Levels

Level 1 Offender:

Offenders are at low risk to re-offend and pose a low degree of danger to the community. The public does not have access to information regarding a Level 1 offender.

Level 2 Offender:

Offenders are at a moderate risk to re-offend and pose a moderate degree of danger to the community. The public can gain access to information regarding a Level 2 offender by making a written request to their local police department or the Sex Offender Registry Board.

Level 3 Offender:

Offenders are at a high risk to re-offend and pose a high degree of danger to the community. Local police departments and the Sex Offender Registry Board actively disseminate Level 3 offender information to the public through the internet and other media outlets.

Pre-Classification: Right to Hearing

Classification is Determined by

1. Risk to re-offend
2. Dangerousness to public safety

Classification Hearing

- Ü The Sex Offender Registry Board recommends a classification level of 1, 2, or 3.
- Ü The Offender can request a hearing to contest the suggested classification level if dissatisfied.
- Ü A hearing examiner, who is employed by the Board, is appointed to hear the case.
- Ü The Offender is allowed to present evidence, call witnesses, and testify on his/her own behalf.
- Ü Upon completion of the hearing, the hearing examiner will make a written determination as to the assigned classification level.

Post-Classification: Criminal Offenses

1. It is a criminal offense for a classified sex offender to: fail to register with the local police department, fail to verify registration information, fail to provide notice of change of address, place of employment, or institution of higher learning, or provide false information.
2. In the event of a violation, the penalty can be severe:
 - a. First conviction: minimum 6 month jail sentence up to 5 year state prison sentence and/or a maximum fine of \$1,000.00.
 - b. Second and subsequent conviction: Minimum 5 year state prison sentence.

Note

1. Sex offenders who committed their sex offenses in Massachusetts, were convicted of sex offenses in Massachusetts courts, and are required to register in Massachusetts, must register as a sex offender in any state where the offender lives, works, or attends school.
2. There is an annual registration fee of \$75.00.

Post-Classification: Remedy

Motion for Reclassification

After three years you may seek review to reduce your classification level.

Motion to Terminate Registration Obligation

After ten years you may seek a review to terminate your obligation to register as a sex offender.

Judicial Review

You have the right to appeal any decision made by the Board by filing an appeal with the Superior Court.