

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 a 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, 1981.

Sex offenders will be classified by the Sex Offender Registry Board (SORB) according to the degree of dangerousness they pose to the public and their likelihood for re-offense. An offender's classification will be:

**Level 1 or "low risk" offender,
Level 2 or "moderate risk" offender, or
Level 3 or "high risk" offender.**

In addition, if the SORB, in finally giving an offender a Level 3 classification, also concludes that such sex offender should be designated a Sexually Violent Predator, the SORB shall transmit a report to the sentencing court explaining the SORB'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 suffers. The sentencing court shall then have the ultimate decision to determine whether such sex offender is a sexually violent predator.

December 11, 2015

Important Announcement regarding a Supreme Judicial Court Ruling:

For over seventeen years, SORB had the burden to prove a sex offender's classification level by a preponderance of the evidence. However, on December 11, 2015, in the case of **John Doe No. 380316 v. SORB (SJC-11823)**, the Massachusetts Supreme Judicial Court, concluded that SORB must now prove a sex offender's classification level by the higher legal standard of "**clear and convincing evidence.**"

What does this Supreme Judicial Court decision mean for my community?

- A hearing examiner must now find that SORB's classification recommendation for a sex offender is proved by a "**high degree of probability.**"
- Moving forward, all sex offenders who appear in front of SORB for a classification hearing will be classified using the higher standard of clear and convincing evidence.
- Hundreds of sex offenders who have cases pending before the Massachusetts Appeals Court, the Superior Court, or SORB, *will receive a new hearing* applying the higher standard. These offenders will be returned to an unclassified status, and their registry information will not be available on this website or disseminated to the public by local police departments. If the offender's pending case is a reclassification, the offender will be returned to his or her previous classification. Following the new

classification hearing applying the higher standard, the registry information of these individuals will be disseminated in accordance with the sex offender registry law.

- If you are the victim of a sex assault or the parent or guardian of a sexual assault victim and have questions about this new Court ruling, please contact SORB's Victim Service Unit at 978-740-6440 or 1-800-936-3426.
- If you are a concerned citizen or organization and have questions about the criminal justice information of a potential sex offender, please click the following link to the Department of Criminal Justice Information Services website. <http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/>.
- For additional information on sex offenders who are living or working in Massachusetts and registered in another state please check the National Sex Offender Registry at the following link. <https://www.nsopw.gov/>