In the wake of a criminal case involving John Burbine[[1]](#endnote-1), of Wakefield, Massachusetts, the General Court considered legislation to reform certain policies and practices related to the registration and classification by the Sex Offender Registry Board (SORB) of persons convicted of sex offenses in the Commonwealth (or convicted of like offenses in other jurisdictions). As a result, the legislature included within the FY 2014 budget several outside sections reforming the statutes governing the SORB. *See* Acts of 2013, Chapter 38, §§ 7-13, 208. Governor Patrick returned sections 8 and 13 with suggested amendments, which the legislature adopted. *See* Acts of 2013, Chapter 63. As a result, the law now provides for improved communication among agencies with information relevant to sex offender classification[[2]](#endnote-2); allows non-conviction investigations and information to be considered by SORB in making classification and reclassification proceedings; requires posting data of individual level 2 offenders on the internet[[3]](#endnote-3); enhances registration requirements for level 2 offenders; and requires police officers, district attorneys, and agents and employees of the Executive Office of Health and Human Services to give SORB notice upon receiving information that a sex offender is at risk to reoffend.

1. Orignally convicted of indecent assault against a child, Burbine was charged with raping and sexually abusing 13 children between 2010 and 2012. Burbine and his wife had been running an unlicensed day care center at the time of his arrest. Burbine was originally classified as a level 2 offender, but the classification was later reduced to level 1. A review of the Burbine matter indicated that Burbine had been investigated by the Department of Children and Families (then DSS) in 2005 and 2009 on suspicion of sexually abusing young boys. At the time, SORB could only consider new criminal convictions when making reclassification decisions. [↑](#endnote-ref-1)
2. Section 10 provides: “The sex offender registry board, in cooperation with the executive office of public safety and security, and with the consultation of the offices of the district attorneys, the department of probation, the department of children and families and the Massachusetts Chiefs of Police Association Incorporated, shall establish and maintain a system of procedures for the ongoing sharing of information that may be relevant to the board’s determination or reevaluation of a sex offender’s level designation among the board, the offices of the district attorneys and any department, agency or office of the commonwealth that reports, investigates or otherwise has access to potentially relevant information, including, but not limited to, the department of youth services, the department of children and families, the department of mental health, the department of developmental services, the department of correction, the department of probation, the department of early education and care, the department of public health and the office of the child advocate, .
The board shall promulgate any rules or regulations necessary to establish, update and maintain this system including, but not limited to, the frequency of updates, measures to ensure the comprehensiveness, clarity and effectiveness of information, and metrics to determine what information may be relevant. When sharing information through this system, all members shall have discretion to delay sharing information where it is reasonably believed that disclosure would compromise or impede an investigation or prosecution or would cause harm to a victim.” It is not clear that the formal system and related rules and regulations have been developed as of the writing of this report. [↑](#endnote-ref-2)
3. The Massachusetts Supreme Judicial Court has ruled that only individuals classified as level 2 on or after July 13, 2013 shall have their information posted on the internet. [↑](#endnote-ref-3)