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A Response to Proposed Changes to Sex Offender Laws

The Massachusetts Association of Criminal Defense Lawyers joins with the Committee for Public Counsel Services in opposing several proposed amendments to laws regarding persons convicted of so-called sex crimes. The lives of thousands of Massachusetts residents would be drastically and negatively affected by the proposed changes. Many of the proposed changes unfairly and unconstitutionally burden some of the most vulnerable persons in our community.

MACDL opposes the imposition of community parole supervision for life, which the Supreme Judicial Court previously held to be unconstitutional in Commonwealth v. Cole. State-mandated supervision of individuals for the rest of their lives makes no fiscal sense, nor is it consistent with any notion of justice or fairness.

MACDL opposes the removal of court-appointed counsel at Sex Offender Registry Board (“SORB”) classification hearings and appeals. SORB hearings are complex, and implicate substantial legal rights regarding the liberty and privacy of Massachusetts citizens. Most individuals who are subject to SORB classification cannot afford to pay for adequate representation, and cannot adequately represent themselves. The SORB classification process has recently undergone massive upheaval. Our legal system must ultimately be judged by the due process afforded to every person in the Commonwealth. The rights of SORB clients can only adequately be protected with the assistance of counsel.

MACDL opposes the proposed amendments that unfairly and unconstitutionally restrict a citizen’s rights to free association, and in some cases seek to criminalize such association, by applying arbitrary living restrictions among persons required to register with SORB, even between SORB registrants themselves. This ignores reality. Current policies regarding dissemination of SORB information already put these citizens at significant disadvantage for access to employment, education, and housing. Further restrictions on these rights could essentially remove any possibility of productive reintegration into the community.

MACDL opposes the proposed increase in minimum mandatory sentences for certain offenses. Mandatory minimum sentences undermine the courts’ ability to hand down sentences consistent with established sentencing factors and the advisory guidelines established by the Massachusetts Sentencing Commission. The proposed increase is a step in the wrong direction.

Finally, MACDL stands in favor of so-called “Romeo and Juliet” laws (that decriminalize consensual relations between juveniles), and removal from the SORB registry juveniles convicted of sex offenses.

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