

Massachusetts high court tosses city's rules for sex offenders

BOSTON — The highest court in Massachusetts upheld a judge's decision Friday to throw out a local law that severely restricts where sex offenders can live in the city of Lynn, a ruling that could have broad implications for about 40 other communities. In a unanimous ruling, the Supreme Judicial Court agreed that Lynn had no legal authority to adopt the ordinance in 2011 because it is inconsistent with state laws governing the oversight of sex offenders.

The Lynn ordinance prohibits Level Two and Level Three sex offenders from living within 1,000 feet of parks or public, private or church schools, effectively banning offenders from about 95 percent of the city's residential properties.

The high court said a package of laws passed by the state Legislature in 1999 establishes clear policies for monitoring sex offenders and notifying the public where they live. The court said there are "grave societal and constitutional implications" of segregating sex offenders.

"Except for the incarceration of persons under the criminal law and the civil commitment of mentally ill or dangerous persons, the days are long since past when whole communities of persons, such (as) Native Americans and Japanese-Americans, may be lawfully banished from our midst," Justice Geraldine Hines wrote for the court.

Benjamin Keehn, appellate counsel for the state Committee for Public Counsel Services, which sued the city of Lynn on behalf of sex offenders, said the court's ruling effectively invalidates similar ordinances in other communities in the state.

"I would be really shocked if any city or town that has an ordinance like this attempted to enforce it," he said.

"They make the public less safe – not more safe – by destabilizing the ability of sex offenders to get their lives together."

Lynn officials said the residency restriction is not inconsistent with state law, but instead shares the same purpose.

"We hoped it was an additional layer of protection for the group of people who need the most protection – the children," said James Lamanna, an attorney for the city of Lynn.

The 1999 state laws required sex offenders to register with local police, established procedures for civilly committed sex offenders deemed the most likely to reoffend and set up community parole supervision for life for certain offenders. The laws also required police departments to release information about certain sex offenders to the public.

The court said that at least 40 communities have passed laws restricting where certain offenders live, including Ashland, Barnstable, Braintree, Dedham, Fall River, Framingham, Hopkinton, Natick, Revere, Somerset and Springfield.

Lynn officials argued that the state attorney general's office has continued to approve similar regulations, including a North Reading bylaw approved in January.

Cyndi Roy Gonzalez, a spokeswoman for Attorney General Maura Healey, said the office has a limited ability to reject proposed bylaws unless they clearly conflict with state law.

"Prior to today's decision, there was no such clear conflict," she said.

By DENISE LAVOIE