

Crimes and the Consequences They May Trigger

Offense	SORB ¹	SDP ²	DNA ³	GPS ⁴
Indecent assault and battery on a child under 14 (G.L. c. 265, § 13B)	✓	✓	✓	✓
Aggravated indecent assault and battery on a child under the age of 14 (G.L. c. 265, § 13B1/2)	✓	✓	✓	✓
A repeat offense (G.L. c. 265, §13B3/4)	✓	✓	✓	✓
Indecent assault and battery on a mentally retarded person (G.L. c. 265, § 13F)	✓	✓	✓	✓
Indecent assault and battery on a person 14 or over (G.L. c. 265, § 13H)	✓	✓	✓	✓
Rape (G.L. c. 265, § 22)	✓	✓	✓	✓
Rape of a child under 16 with force (G.L. c. 265, § 22A)	✓	✓	✓	✓
Aggravated rape of a child under 16 with force (G.L. c. 265, § 22B)	✓	✓	✓	✓
A repeat offense (G.L. c. 265, § 22C)	✓	✓	✓	✓
Rape and abuse of a child under 16 (G.L. c. 265, § 23)	✓	✓	✓	✓
Aggravated rape and abuse of a child (G.L. c. 265, § 23A)	✓	✓	✓	✓
A repeat offense (G.L. c. 265, § 23B)	✓	✓	✓	✓
Assault with intent to commit rape (G.L. c. 265, § 24)	✓	✓	✓	✓
Assault of a child under 16 with intent to commit rape (G.L. c. 265, § 24B)	✓	✓	✓	✓
Kidnapping of a child under the age of 16 ⁵ (G.L. c. 265, § 26, 4th par.)	✓		✓	✓

¹ Sex Offender Registry Board (SORB) registration is triggered by both adjudications and convictions for enumerated offenses in G.L. c.6, §178C.

² Petition for civil commitment as a sexually dangerous person (SDP) is triggered by both adjudications and convictions for enumerated offenses in G.L. c.123A, §1. Petition for civil commitment is also triggered by “any other offense, the facts of which, under the totality of the circumstances, manifest a sexual motivation or pattern of conduct or series of acts of sexually motivated offenses.”

³ Any offense punishable by state prison requires DNA submission either for an adult or a youthful offender. G.L. c. 22E, § 3.

⁴ GPS imposed by statute upon probation (G.L. c. 265, § 47) or parole (G.L. c. 127, § 133D½).

⁵ NOTE: An SDP petition may be filed upon conviction/adjudication for kidnapping (G.L. c.265, §26) with intent to violate G.L. c.265, §§13B, 13B1/2, 13B3/4, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or 24B.

Offense	SORB	SDP	DNA	GPS
Kidnapping under G.L. c.265, §26 with intent to violate G.L. c. 265, §§ 13B, 13B1/2, 13B3/4, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, or 24B ⁶ (G.L. c. 265, § 26)		✓	✓	
Enticing a child under the age of 16 for the purposes of committing a crime (G.L. c. 265, § 26C)	✓		✓	✓
Enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity (G.L. c. 265, § 26D)	✓		✓	✓
Trafficking persons for sexual servitude (G.L. c. 265, § 50)	✓		✓	✓
A second or subsequent violation of human trafficking for sexual servitude (G.L. c.265, §52)	✓		✓	✓
Enticing away a person for prostitution or sexual intercourse (G.L. c. 272, § 2)	✓	✓	✓	✓
Drugging persons for sexual intercourse, (G.L. c. 272, § 3)	✓	✓	✓	✓
Open & gross lewdness & lascivious behavior (1 st offense) (G.L. c. 272, § 16)		✓	✓	
Incestuous marriage or intercourse ⁷ (G.L. c. 272, § 17)	✓	✓	✓	✓
Disseminating to a minor matter harmful to a minor (G.L. c. 272, § 28)	✓	✓	✓	✓
Dissemination of visual material of a child in a state of nudity or sexual conduct (G.L. c. 272, § 29B)	✓	✓	✓	✓
Inducing a minor into prostitution (G.L. c. 272, § 4A)	✓	✓	✓	✓
Living off or sharing earnings of a minor prostitute (G.L. c. 272, § 4B)	✓	✓	✓	✓
open & gross lewdness & lascivious behavior 2 nd and subsequent offense (excluding juveniles adjudicated delinquent before August 1, 1992) (G.L. c. 272, § 16)	✓	✓	✓	✓
Posing or exhibiting a child in a state of nudity (G.L. c. 272, § 29A)	✓	✓	✓	✓
Purchase or possession of child pornography (G.L. c. 272, § 29C)	✓	✓	✓	✓

⁶ SORB registration may be required for conviction/adjudication for kidnapping of a child under 16.

⁷ For SDP commitment, the crime must involve a person under age of 21. G.L. c.123A, §1.

Offense	SORB	SDP	DNA	GPS
Unnatural and Lascivious Acts with a child under 16 (G.L. c. 272, § 35A)	✓	✓	✓	✓
Accost or annoy persons of the opposite sex; Lewd, wanton and lascivious persons in speech or behavior (G.L. c. 272, § 53)		✓		
Attempts to commit a triggering offense (G.L. c. 274, § 6)	✓	✓	See Statute	✓
A like violation of the laws of another state, the United States, or a military, territorial, or Indian tribal authority (in a case analogous to a triggering offense).	✓	✓		✓

Crimes that do not trigger either SORB or SDP:

Offense	SORB	SDP	DNA	GPS
Failure to Register (G.L. c. 6, § 178H)			✓	
Assault and Battery (G.L. c. 265, § 13A)				
Assault and Battery Upon Child Causing Bodily Injury (G.L. c. 265, § 13J)			✓	
Reckless Endangerment of Children (G.L. c. 265, § 13L)				
Kidnapping of minor by a relative (G.L. c. 265, § 26A)			✓	
Assault with intent to commit a felony (G.L. c. 265, § 29)			✓	
Enticing to Unlawful Intercourse (G.L. c.272, §4)			✓	
Adultery (G.L. c. 272, § 14)			✓	
Polygamy (G.L. c. 272, § 15)			✓	
Fornication (G.L. c. 272, § 18)			✓	
Dissemination of, and Possession with Intent to Disseminate, Obscene Matter (G.L. c. 272, § 29)			✓	
Sodomy or Buggery (G.L. c. 272, § 34)			✓	
Unnatural and Lascivious Acts (G.L. c. 272, § 35)			✓	
Common night walkers (G.L. c. 272, § 53)				
Common street walkers (G.L. c. 272, § 53)				
Indecent exposure (G.L. c. 272, § 53)				
Peeping Tom (G.L. c. 272, § 53)				
Engaging in Sexual Conduct for Fee (G.L. c. 272, § 53A)			✓	
Threats (G.L. c. 275, §§ 2, 4)				

CPCS, Alternative Commitment and Registration Support Unit

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