

By: Zaffirini

S.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to the apprehension, prosecution, and punishment of individuals committing or attempting to commit certain sex offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 24A to read as follows:

CHAPTER 24A. RESPONDING TO SUBPOENAS AND CERTAIN OTHER COURT ORDERS

Art. 24A.001. APPLICABILITY OF CHAPTER. This chapter applies only to a subpoena, search warrant, or other court order that:

(1) relates to the investigation or prosecution of a criminal offense under Section 33.021, Penal Code; and

(2) is served on or issued with respect to an Internet service provider that provides service in this state.

Art. 24A.002. RESPONSE REQUIRED; DEADLINE FOR RESPONSE.

(a) Not later than the second day after the date on which an Internet service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by Article 24A.001, the Internet service provider shall:

(1) fully comply with the subpoena, warrant, or order;
or

(2) petition a court to excuse the Internet service

1 provider from complying with the subpoena, warrant, or order.

2 (b) For the purposes of Subsection (a)(1), full compliance
3 with the subpoena, warrant, or order includes:

4 (1) producing or providing all documents or
5 information requested under the subpoena, warrant, or order; and

6 (2) providing electronic access to all documents or
7 information requested under the subpoena, warrant, or order.

8 Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An
9 Internet service provider that disobeys a subpoena, search warrant,
10 or other court order described by Article 24A.001 and that was not
11 excused from complying with the subpoena, warrant, or order under
12 Article 24A.002(a)(2) may be punished in any manner provided by
13 law.

14 SECTION 2. Subchapter B, Chapter 402, Government Code, is
15 amended by adding Section 402.0281 to read as follows:

16 Sec. 402.0281. INTERNET SERVICE PROVIDER DATABASE. (a) The
17 attorney general shall establish a computerized database
18 containing contact information for all Internet service providers
19 providing service in this state. The contact information must
20 include:

21 (1) the name and physical address of the person
22 authorized to accept service of process for the Internet service
23 provider; and

24 (2) the physical address of the Internet service
25 provider's principal place of business in this state.

26 (b) At the request of a district attorney, criminal district
27 attorney, county attorney, law enforcement agency of this state, or

1 local law enforcement agency, the attorney general shall allow the
2 requestor access to the database to expedite the
3 information-gathering process of a criminal investigation
4 conducted by the requestor concerning an offense under Section
5 33.021, Penal Code.

6 SECTION 3. Section 414.005, Government Code, is amended to
7 read as follows:

8 Sec. 414.005. DUTIES. The council shall:

9 (1) encourage, advise, and assist in the creation of
10 crime stoppers organizations;

11 (2) foster the detection of crime and encourage
12 persons to report information about criminal acts;

13 (3) encourage news and other media to broadcast
14 reenactments and to inform the public of the functions of crime
15 stoppers organizations' operations and programs;

16 (4) promote the process of crime stoppers
17 organizations to forward information about criminal acts to the
18 appropriate law enforcement agencies; ~~and~~

19 (5) help law enforcement agencies detect and combat
20 crime by increasing the flow of information to and between law
21 enforcement agencies;

22 (6) create specialized programs targeted at detecting
23 specific crimes or types of crimes, including at least one program
24 that:

25 (A) encourages individuals to report sex
26 offenders who have failed to register under Chapter 62, Code of
27 Criminal Procedure; and

1 (B) financially rewards each individual who
2 makes a report described by Paragraph (A) that leads or
3 substantially contributes to the arrest or apprehension of a sex
4 offender who has failed to register under Chapter 62, Code of
5 Criminal Procedure; and

6 (7) encourage, advise, and assist crime stoppers
7 organizations in implementing any programs created under
8 Subdivision (6), including a program specifically described by
9 Subdivision (6).

10 SECTION 4. Section 3.03(b), Penal Code, is amended to read
11 as follows:

12 (b) If the accused is found guilty of more than one offense
13 arising out of the same criminal episode, the sentences may run
14 concurrently or consecutively if each sentence is for a conviction
15 of:

16 (1) an offense:

17 (A) under Section 49.07 or 49.08, regardless of
18 whether the accused is convicted of violations of the same section
19 more than once or is convicted of violations of both sections; or

20 (B) for which a plea agreement was reached in a
21 case in which the accused was charged with more than one offense
22 listed in Paragraph (A), regardless of whether the accused is
23 charged with violations of the same section more than once or is
24 charged with violations of both sections;

25 (2) an offense:

26 (A) under Section 33.021 or an offense under
27 Section 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a

1 victim younger than 17 years of age at the time of the commission of
2 the offense regardless of whether the accused is convicted of
3 violations of the same section more than once or is convicted of
4 violations of more than one section; or

5 (B) for which a plea agreement was reached in a
6 case in which the accused was charged with more than one offense
7 listed in Paragraph (A) committed against a victim younger than 17
8 years of age at the time of the commission of the offense regardless
9 of whether the accused is charged with violations of the same
10 section more than once or is charged with violations of more than
11 one section; or

12 (3) an offense:

13 (A) under Section 21.15 or 43.26, regardless of
14 whether the accused is convicted of violations of the same section
15 more than once or is convicted of violations of both sections; or

16 (B) for which a plea agreement was reached in a
17 case in which the accused was charged with more than one offense
18 listed in Paragraph (A), regardless of whether the accused is
19 charged with violations of the same section more than once or is
20 charged with violations of both sections.

21 SECTION 5. Section 33.021(f), Penal Code, is amended to
22 read as follows:

23 (f) An offense under Subsection (b) is a [~~state-jail~~] felony
24 of the third degree, except that the offense is a felony of the
25 second degree if the minor is younger than 14 years of age or is an
26 individual whom the actor believes to be younger than 14 years of
27 age at the time of the commission of the offense. An [~~and-an~~]

1 offense under Subsection (c) is a felony of the second [~~third~~
2 degree[, ~~except that an offense under Subsection (b) or (c) is a~~
3 ~~felony of the second degree if the minor is younger than 14 years of~~
4 ~~age or is an individual whom the actor believes to be younger than~~
5 ~~14 years of age~~].

6 SECTION 6. The attorney general shall ensure that the
7 database required under Section 402.0281, Government Code, as added
8 by this Act, is fully operational not later than April 1, 2008, and
9 not later than June 1, 2008, shall begin allowing requesting
10 parties access to that database as described by that section.

11 SECTION 7. Sections 3.03(b) and 33.021(f), Penal Code, as
12 amended by this Act, apply only to an offense committed on or after
13 September 1, 2007. An offense committed before September 1, 2007,
14 is covered by the law in effect when the offense was committed, and
15 the former law is continued in effect for that purpose. For the
16 purposes of this section, an offense was committed before September
17 1, 2007, if any element of the offense occurred before that date.

18 SECTION 8. This Act takes effect September 1, 2007.