

Amend CSHB 2153 (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Subsection (c)(1), Article 62.051, Code of Criminal Procedure (page 1, line 44) insert between "reside" and the semi-colon, insert the following:

, and any home, work, or cellular telephone number of the person;

(2) In SECTION 2 of the bill, in Subsection (c)(6), Article 62.051, Code of Criminal Procedure (page 1, line 61) delete "and".

(3) In SECTION 2 of the bill, in amended Subsection (c), Article 62.051, Code of Criminal Procedure (page 1, line 62) following "(7)" insert the following:

the identification of any online identifier established or used by the person; and

(8)

Amend C.S.H.B. 2153 (Senate committee printing) by adding the following appropriately numbers SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

(4) SECTION \_\_\_\_\_. Amend Article 62.001, Code of Criminal Procedure, insert the following:

(11) "Online identifier" means electronic mail address information or a name used by a person when sending or receiving an instant message, social networking communication, or similar Internet communication or when participating in an Internet chat. The term includes an assumed name, nickname, pseudonym, moniker, or user name established by a person for use in connection with an electronic mail address, chat or instant chat room platform, commercial social networking site, or online picture-sharing service.

(5) SECTION \_\_\_\_\_. Article 62.005, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

(b) The information contained in the database, including the numeric risk level assigned to a person under this chapter, is public information, with the exception of any information:

(1) regarding the person's social security number or [7] driver's license number, or any home, work, or cellular telephone number of the person;

(2) that is described [~~required~~] by [~~the department~~

~~under~~] Article 62.051(c)(7) or required by the department under Article 62.051(c)(8); or

(3) that would identify the victim of the offense for which the person is subject to registration.

(j) The department, for law enforcement purposes, shall release all relevant information described by Subsection (a), including information that is not public information under Subsection (b), to a peace officer, an employee of a local law enforcement authority, or the attorney general on the request of the applicable person or entity.

(6) SECTION \_\_\_\_\_. Subchapter A, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0061 to read as follows:

Art. 62.0061. REQUEST FOR ONLINE IDENTIFIERS BY SOCIAL NETWORKING SITES. (a) On request by a commercial social networking site, the department may provide to the commercial social networking site:

(1) all public information that is contained in the database maintained under Article 62.005; and

(2) notwithstanding Article 62.005(b)(2), any online identifier established or used by a person who uses the site, is seeking to use the site, or is precluded from using the site.

(b) The department by rule shall establish a procedure through which a commercial social networking site may request information under Subsection (a), including rules regarding the eligibility of commercial social networking sites to request information under Subsection (a). The department shall consult with the attorney general, other appropriate state agencies, and other appropriate entities in adopting rules under this subsection.

(c) A commercial social networking site or the site's agent:

(1) may use information received under Subsection (a) only to:

(A) prescreen persons seeking to use the site; or

(B) preclude persons registered under this chapter from using the site; and

(2) may not use any information received under Subsection (a) that the networking site obtained solely under

Subsection (a) in any manner not described by Subdivision (1).

(d) A commercial social networking site that uses information received under Subsection (a) in any manner not described by Subsection (c)(1) or that violates a rule adopted by the department under Subsection (b) is subject to a civil penalty of \$1,000 for each misuse of information or rule violation. A commercial social networking site that is assessed a civil penalty under this article shall pay, in addition to the civil penalty, all court costs, investigative costs, and attorney's fees associated with the assessment of the penalty. A civil penalty assessed under this subsection shall be deposited to the compensation to victims of crime fund established under Subchapter B, Chapter 56.

(e) This article does not create a private cause of action against a commercial social networking site, including a cause of action that is based on the site:

(1) identifying, removing, disabling, blocking, or otherwise affecting the user of a commercial social networking site, based on a good faith belief that the person is required to register as a sex offender under this chapter or federal law; or

(2) failing to identify, remove, disable, block, or otherwise affect the user of a commercial social networking site who is required to register as a sex offender under this chapter or federal law.

(f) In this article, "commercial social networking site":

(1) means an Internet website that:

(A) allows users, through the creation of Internet web pages or profiles or other similar means, to provide personal information to the public or other users of the Internet website;

(B) offers a mechanism for communication with other users of the Internet website; and

(C) has the primary purpose of facilitating online social interactions; and

(2) does not include an Internet service provider, unless the Internet service provider separately operates and directly derives revenue from an Internet website described by Subdivision (1).

(7) SECTION \_\_\_\_\_. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0551 to read as follows:

Art. 62.0551. CHANGE IN ONLINE IDENTIFIERS. (a) If a person required to register under this chapter changes any online identifier included on the person's registration form or establishes any new online identifier not already included on the person's registration form, the person, not later than the later of the seventh day after the change or establishment or the first date the applicable authority by policy allows the person to report, shall report the change or establishment to the person's primary registration authority in the manner prescribed by the authority.

(b) A primary registration authority that receives information under this article shall forward information in the same manner as information received by the authority under Article 62.055.

(8) SECTION \_\_\_\_\_. Subsection (f)(1), Article 62.053, Code of Criminal Procedure, is amended to read as follows:

(1) the person's social security number or~~[ ]~~ driver's license number, or any home, work, or cellular telephone number of the person; and

(9) SECTION \_\_\_\_\_. Subsection (g)(1), Article 62.055, Code of Criminal Procedure, is amended to read as follows:

(1) the person's social security number or~~[ ]~~ driver's license number, or any home, work, or cellular telephone number of the person; and

(10) SECTION \_\_\_\_\_. The Department of Public Safety of the State of Texas shall implement Subsection (c), Article 62.051, Code of Criminal Procedure, as amended by this Act, and Subsection (j), Article 62.005, and Article 62.0061, Code of Criminal Procedure, as added by this Act, as soon as practicable after September 1, 2009, but not later than January 1, 2010.