

By: Shapiro

S.B. No. 689

A BILL TO BE ENTITLED

AN ACT

1
2 relating to restrictions on the use of the Internet by sex offenders
3 and to the collection and exchange of information regarding those
4 offenders.

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

6 SECTION 1. Section 11, Article 42.12, Code of Criminal
7 Procedure, is amended by adding Subsection (j) to read as follows:

8 (j) If the court grants community supervision to a defendant
9 who is convicted of or receives a grant of deferred adjudication for
10 an offense under Section 33.021, Penal Code, or who is assigned a
11 numeric risk level of three based on an assessment conducted under
12 Article 62.007, the court as a condition of community supervision
13 shall prohibit the defendant from using the Internet to:

14 (1) access pornographic material; or

15 (2) communicate with one or more individuals for the
16 purpose of promoting sexual relations with an individual who is
17 younger than 18 years of age.

18 SECTION 2. Article 62.005, Code of Criminal Procedure, is
19 amended by adding Subsection (j) to read as follows:

20 (j) The department shall release all relevant information
21 described by Subsection (a) to the attorney general on the attorney
22 general's written request providing the department with a person's
23 name, driver's license number, personal identification certificate
24 number, license plate number, or Internet communication

1 identifier.

2 SECTION 3. Subchapter A, Chapter 62, Code of Criminal
3 Procedure, is amended by adding Article 62.0061 to read as follows:

4 Art. 62.0061. REQUEST FOR INTERNET COMMUNICATION
5 IDENTIFIERS BY SOCIAL NETWORKING SITES AND INTERNET SERVICE
6 PROVIDERS. (a) The department shall establish a procedure by which
7 commercial social networking sites and Internet service providers
8 providing service in this state may request all Internet
9 communication identifiers belonging to a person listed in the
10 computerized central database. On receipt of a request submitted
11 under this article containing a person's name, driver's license
12 number, personal identification certificate number, or Internet
13 communication identifier, the department shall:

14 (1) confirm whether the person is required to register
15 under this chapter; and

16 (2) provide the networking site or service provider
17 with all Internet communication identifiers listed for the person
18 in the computerized central database.

19 (b) A commercial social networking site or Internet service
20 provider may use the information to:

21 (1) prescreen persons seeking to use the site or
22 service; or

23 (2) preclude persons registered under this chapter
24 from using the site or service.

25 (c) A commercial social networking site or Internet service
26 provider that receives information under this article promptly
27 shall notify the department, the attorney general, and appropriate

1 local law enforcement authorities of any possible criminal activity
2 engaged in by a person with respect to whom information was provided
3 to the networking site or the service provider under Subsection
4 (a). The department, attorney general, and authorities shall
5 establish a uniform procedure for exchanging information regarding
6 any notification provided by a networking site or service provider
7 under this subsection.

8 (d) In this section, "commercial social networking site"
9 means any business, organization, or other similar entity operating
10 a website that permits persons to become registered users for the
11 purpose of establishing personal relationships with other users
12 through direct or real time communication with other users or the
13 creation of web pages or profiles available to the public or to
14 other users. The term does not include an electronic mail program
15 or a message board program.

16 SECTION 4. Article 62.005(b), Code of Criminal Procedure,
17 is amended to read as follows:

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

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

24 (2) that is required by the department under Article
25 62.051(c)(8) [~~62.051(c)(7)~~]; or

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

1 SECTION 5. Article 62.051, Code of Criminal Procedure, is
2 amended by amending Subsection (c) and adding Subsection (j) to
3 read as follows:

4 (c) The registration form shall require:

5 (1) the person's full name, ~~[each alias,]~~ date of
6 birth, sex, race, height, weight, eye color, hair color, social
7 security number, driver's license number, shoe size, and home
8 address, any home, work, or cellular telephone number of the
9 person, and each alias, assumed name, nickname, or pseudonym,
10 including a screen name, used by the person;

11 (2) a recent color photograph or, if possible, an
12 electronic digital image of the person and a complete set of the
13 person's fingerprints;

14 (3) the type of offense the person was convicted of,
15 the age of the victim, the date of conviction, and the punishment
16 received;

17 (4) an indication as to whether the person is
18 discharged, paroled, or released on juvenile probation, community
19 supervision, or mandatory supervision;

20 (5) an indication of each license, as defined by
21 Article 62.005(g), that is held or sought by the person;

22 (6) an indication as to whether the person is or will
23 be employed, carrying on a vocation, or a student at a particular
24 public or private institution of higher education in this state or
25 another state, and the name and address of that institution; ~~[and]~~

26 (7) the identification of any electronic mail address,
27 instant messaging address, or other Internet communication

1 identifier established or used by the person; and

2 (8) any other information required by the department.

3 (j) The department by rule shall define:

4 (1) "screen name" for the purposes of Subsection
5 (c)(1); and

6 (2) "Internet communication identifier" for the
7 purposes of Subsection (c)(7).

8 SECTION 6. Article 62.053(f), Code of Criminal Procedure,
9 is amended to read as follows:

10 (f) The local law enforcement authority shall include in the
11 notice to the superintendent of the public school district and to
12 the administrator of any private primary or secondary school
13 located in the public school district any information the authority
14 determines is necessary to protect the public, except:

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

18 (2) any information that would identify the victim of
19 the offense for which the person is subject to registration.

20 SECTION 7. Article 62.055(g), Code of Criminal Procedure,
21 is amended to read as follows:

22 (g) The local law enforcement authority shall include in the
23 notice to the superintendent of the public school district and the
24 administrator of any private primary or secondary school located in
25 the public school district any information the authority determines
26 is necessary to protect the public, except:

27 (1) the person's social security number or [~~7~~]

1 driver's license number, or any home, work, or cellular telephone
2 number of the person; and

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

5 SECTION 8. Subchapter F, Chapter 508, Government Code, is
6 amended by adding Section 508.1861 to read as follows:

7 Sec. 508.1861. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN
8 SEX OFFENDERS. If the parole panel releases on parole or to
9 mandatory supervision a person who is serving a sentence for an
10 offense under Section 33.021, Penal Code, or who is assigned a
11 numeric risk level of three based on an assessment conducted under
12 Article 62.007, Code of Criminal Procedure, the parole panel as a
13 condition of parole or mandatory supervision shall prohibit the
14 releasee from using the Internet to:

15 (1) access pornographic material; or

16 (2) communicate with one or more individuals for the
17 purpose of promoting sexual relations with an individual who is
18 younger than 18 years of age.

19 SECTION 9. (a) The changes in law made by this Act in adding
20 Section 11(j), Article 42.12, Code of Criminal Procedure, and
21 Section 508.1861, Government Code, apply only to a person who is
22 placed on community supervision or released on parole or to
23 mandatory supervision on or after the effective date of this Act.

24 (b) The change in law made by this Act in amending Chapter
25 62, Code of Criminal Procedure, applies to any person who, on or
26 after the effective date of this Act, is subject to registration
27 under that chapter regardless of whether the offense for which the

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1 person is subject to registration was committed before, on, or
2 after the effective date of this Act.

3 SECTION 10. This Act takes effect September 1, 2009.