

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 28, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB689 by Shapiro (Relating to restrictions on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders; providing a civil penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Government Code by imposing restrictions on the use of the internet by certain registered sex offenders. The bill would require the Department of Public Safety (DPS) to collect certain information from registered sex offenders, including each alias, assumed nickname, pseudonym, including a screen name, and any electronic mail address, instant messaging address, or other internet communication identifier used by the offender. The bill would require DPS to release certain information relating to registered sex offenders to the Attorney General.

Additionally, the bill would require that DPS establish a procedure whereby commercial social networking sites may request all internet communication identifiers associated with a person listed in the Sex Offender Registration Database. The bill would allow commercial networking sites to use the information to prescreen persons seeking to use their service and to preclude persons registered under Chapter 62, Code of Criminal Procedure, from using the service. The bill outlines the permissible uses by a social networking site for received information and provides for a civil penalty of \$1000 for each misuse of information or rule violation.

The bill would take effect September 1, 2009. This analysis assumes that the fiscal and operational impact of implementing the provisions of the bill could be reasonably absorbed within the current resources of the affected agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. The bill would require courts that grant community supervision to a defendant convicted of or granted deferred adjudication for certain sexual offenses to be prohibited from Internet usage. The department, attorney general, and local authorities would be required to establish a uniform procedure for the exchange of information.

Current law requires local law enforcement authorities to notify public and private school administrators of private primary or secondary schools of any information regarding an offender necessary to protect the public; the bill would exclude the person's home, work, or cellular telephone number.

Source Agencies:

LBB Staff: JOB, ESi, GG, MWU