| **House Bill 372**  Senate Amendments  Section-by-Section Analysis | | |
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| HOUSE VERSION | SENATE VERSION (CS) | CONFERENCE |
| SECTION 1. Section 13G, Article 42.12, Code of Criminal Procedure, is amended to read as follows:  Sec. 13G. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN SEX OFFENDERS. (a) This section applies only to a person who is required to register as a sex offender under Chapter 62, by court order or otherwise, and:  (1) is convicted of or receives a grant of deferred adjudication community supervision for a violation of Section 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal Code;  (2) used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register under Chapter 62; or  (3) is assigned a numeric risk level of two or three based on an assessment conducted under Article 62.007.  (b) If the court grants community supervision to a defendant described by Subsection (a), the court as a condition of community supervision shall:  (1) prohibit the defendant from using the Internet to:  (A) [~~(1)~~] access material that is obscene as defined by Section 43.21, Penal Code;  (B) [~~(2)~~] access a commercial social networking site, as defined by Article 62.0061(f);  (C) [~~(3)~~] communicate with any individual concerning sexual relations with an individual who is younger than 17 years of age; or  (D) [~~(4)~~] communicate with another individual the defendant knows is younger than 17 years of age; and  (2) to ensure the defendant's compliance with Subdivision (1), require the defendant to submit to regular inspection or monitoring of each electronic device used by the defendant to access the Internet.  (c) The court may modify at any time the condition described by Subsection (b)(1)(D) [~~(b)(4)~~] if:  (1) the condition interferes with the defendant's ability to attend school or become or remain employed and consequently constitutes an undue hardship for the defendant; or  (2) the defendant is the parent or guardian of an individual who is younger than 17 years of age and the defendant is not otherwise prohibited from communicating with that individual. | SECTION 1. Same as House version. |  |
| SECTION 2. Section 508.1861, Government Code, is amended to read as follows:  Sec. 508.1861. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN SEX OFFENDERS. (a) This section applies only to a person who, on release, will be required to register as a sex offender under Chapter 62, Code of Criminal Procedure, by court order or otherwise, and:  (1) is serving a sentence for an offense under Section 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal Code;  (2) used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register under Chapter 62, Code of Criminal Procedure; or  (3) is assigned a numeric risk level of two or three based on an assessment conducted under Article 62.007, Code of Criminal Procedure.  (b) If the parole panel releases on parole or to mandatory supervision a person described by Subsection (a), the parole panel as a condition of parole or mandatory supervision shall:  (1) prohibit the releasee from using the Internet to:  (A) [~~(1)~~] access material that is obscene as defined by Section 43.21, Penal Code;  (B) [~~(2)~~] access a commercial social networking site, as defined by Article 62.0061(f), Code of Criminal Procedure;  (C) [~~(3)~~] communicate with any individual concerning sexual relations with an individual who is younger than 17 years of age; or  (D) [~~(4)~~] communicate with another individual the releasee knows is younger than 17 years of age; and  (2) to ensure the releasee's compliance with Subdivision (1), require the releasee to submit to regular inspection or monitoring of each electronic device used by the releasee to access the Internet.  (c) The parole panel may modify at any time the condition described by Subsection (b)(1)(D) [~~(b)(4)~~] if:  (1) the condition interferes with the releasee's ability to attend school or become or remain employed and consequently constitutes an undue hardship for the releasee; or  (2) the releasee is the parent or guardian of an individual who is younger than 17 years of age and the releasee is not otherwise prohibited from communicating with that individual. | SECTION 2. Same as House version. |  |
| SECTION 3. (a) Section 13G, Article 42.12, Code of Criminal Procedure, as amended by this Act, and Section 508.1861, Government Code, as amended by this Act, apply only to a person who is placed on community supervision or released on parole or to mandatory supervision on or after September 1, 2009. A person who is placed on community supervision or released on parole or to mandatory supervision before September 1, 2009, is governed by the law in effect on the date the person was placed on community supervision or released on parole or to mandatory supervision, and the former law is continued in effect for that purpose.  (b) The applicable court or parole panel shall modify the conditions of supervision or parole as appropriate to conform to the requirements of Section 13G, Article 42.12, Code of Criminal Procedure, as amended by this Act, and Section 508.1861, Government Code, as amended by this Act, for each sex offender with a numeric risk level of two or three who was placed on community supervision or released on parole or to mandatory supervision on or after September 1, 2009, and who has not yet completed the offender's period of supervision or parole. | No equivalent provision. |  |
| SECTION 4. This Act takes effect September 1, 2015. | SECTION 3. Same as House version. |  |