

BILL ANALYSIS

Senate Research Center
87R165 MAW-D

H.B. 460
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Criminal Justice (TDCJ) has adopted rules that restrict prison inmates from using social media sites such as Facebook or Twitter, which have been upheld in court. These rules were put in place to address a trend of inmates maintaining social media sites for the purpose of taking advantage of individuals outside of prisons through fraud or other acts. However, TDCJ does not currently have a policy to determine whether an inmate is part of pen pal service, a method by which inmates may use the Internet to solicit the public, and sometimes in a sexual manner. H.B. 460 seeks to close this loophole by requiring the adoption of a policy that prohibit inmates who are serving sentences for sexual offenses from soliciting pen pals online.

H.B. 460 amends current law relating to the solicitation of pen pals by certain inmates of the Texas Department of Criminal Justice.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 500, Government Code, by adding Section 500.009, as follows:

Sec. 500.009. PEN PAL SOLICITATION PROHIBITED. (a) Provides that this section applies only to an inmate confined in a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ) who is serving a sentence for an offense for which registration as a sex offender is required under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

(b) Requires TDCJ to adopt a policy that prohibits an inmate described by Subsection (a) from placing an advertisement soliciting a pen pal on an Internet website operated for that purpose, regardless of whether another person submits or pays for the advertisement for the inmate.

SECTION 2. Requires TDCJ, not later than December 1, 2021, to adopt the policy required by Section 500.009, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2021.