

Chapter 684

H.B. No. 372

AN ACT

relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.

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

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 (1) prohibit the defendant from using the Internet to:
2 (A) [~~(1)~~] access material that is obscene as
3 defined by Section 43.21, Penal Code;
4 (B) [~~(2)~~] access a commercial social networking
5 site, as defined by Article 62.0061(f);
6 (C) [~~(3)~~] communicate with any individual
7 concerning sexual relations with an individual who is younger than
8 17 years of age; or
9 (D) [~~(4)~~] communicate with another individual
10 the defendant knows is younger than 17 years of age; and
11 (2) to ensure the defendant's compliance with
12 Subdivision (1), require the defendant to submit to regular
13 inspection or monitoring of each electronic device used by the
14 defendant to access the Internet.

15 (c) The court may modify at any time the condition described
16 by Subsection (b)(1)(D) [~~(b)(4)~~] if:

- 17 (1) the condition interferes with the defendant's
18 ability to attend school or become or remain employed and
19 consequently constitutes an undue hardship for the defendant; or
20 (2) the defendant is the parent or guardian of an
21 individual who is younger than 17 years of age and the defendant is
22 not otherwise prohibited from communicating with that individual.

23 SECTION 2. Section 508.1861, Government Code, is amended to
24 read as follows:

25 Sec. 508.1861. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN
26 SEX OFFENDERS. (a) This section applies only to a person who, on
27 release, will be required to register as a sex offender under

1 Chapter 62, Code of Criminal Procedure, by court order or
2 otherwise, and:

3 (1) is serving a sentence for an offense under Section
4 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal
5 Code;

6 (2) used the Internet or any other type of electronic
7 device used for Internet access to commit the offense or engage in
8 the conduct for which the person is required to register under
9 Chapter 62, Code of Criminal Procedure; or

10 (3) is assigned a numeric risk level of two or three
11 based on an assessment conducted under Article 62.007, Code of
12 Criminal Procedure.

13 (b) If the parole panel releases on parole or to mandatory
14 supervision a person described by Subsection (a), the parole panel
15 as a condition of parole or mandatory supervision shall:

16 (1) prohibit the releasee from using the Internet to:

17 (A) [~~1~~] access material that is obscene as
18 defined by Section 43.21, Penal Code;

19 (B) [~~2~~] access a commercial social networking
20 site, as defined by Article 62.0061(f), Code of Criminal Procedure;

21 (C) [~~3~~] communicate with any individual
22 concerning sexual relations with an individual who is younger than
23 17 years of age; or

24 (D) [~~4~~] communicate with another individual
25 the releasee knows is younger than 17 years of age; and

26 (2) to ensure the releasee's compliance with
27 Subdivision (1), require the releasee to submit to regular

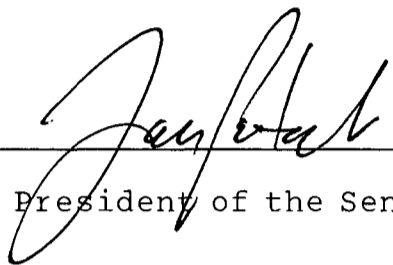
1 inspection or monitoring of each electronic device used by the
2 releasee to access the Internet.

3 (c) The parole panel may modify at any time the condition
4 described by Subsection (b)(1)(D) [~~(b)(4)~~] if:

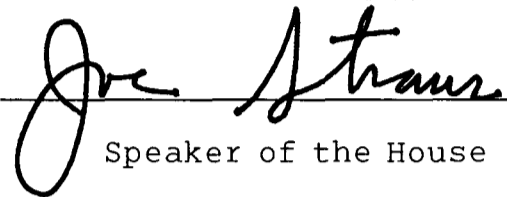
5 (1) the condition interferes with the releasee's
6 ability to attend school or become or remain employed and
7 consequently constitutes an undue hardship for the releasee; or

8 (2) the releasee is the parent or guardian of an
9 individual who is younger than 17 years of age and the releasee is
10 not otherwise prohibited from communicating with that individual.

11 SECTION 3. This Act takes effect September 1, 2015.



President of the Senate



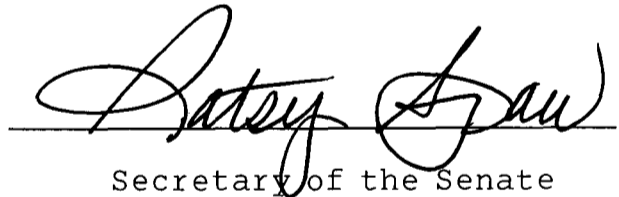
Speaker of the House

I certify that H.B. No. 372 was passed by the House on April 13, 2015, by the following vote: Yeas 143, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 372 on May 26, 2015, by the following vote: Yeas 145, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 372 was passed by the Senate, with amendments, on May 22, 2015, by the following vote: Yeas 31, Nays 0.

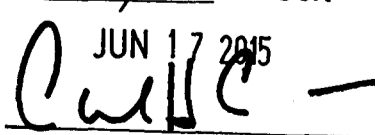


Secretary of the Senate

APPROVED: 6-10-2015
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:09 pm O'CLOCK
JUN 17 2015


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB372 by Riddle (Relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Code of Criminal Procedure to include a person assigned a sex offender registry risk level of two, rather than the current level of three, in prohibiting the accessing of the Internet for certain purposes as a condition of community supervision. The bill would also require the defendant to submit to regular inspection or monitoring of each electronic device used by the defendant to access the Internet to ensure compliance with this section.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

The Bexar County Community Supervision and Corrections Department reported the bill would not have an impact on the department.

The Caldwell, Comal, and Hays Counties Community Supervision and Corrections Department reported the provisions of the bill are already implemented in the department. Costs associated with the monitoring fee would be offset by a fee paid by the offenders.

No significant impact fiscal impact is anticipated.

Source Agencies: 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: UP, KJo, SD, EK, LM, JPo, JN, ESi, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB372** by Riddle (Relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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LEGISLATIVE BUDGET BOARD
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FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 11, 2015

TO: Honorable Jim Murphy, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB372 by Riddle (Relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

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FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB372 by Riddle (Relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: UP, JPo, KJo, LM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

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**LEGISLATIVE BUDGET BOARD
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