

SUBJECT: Prohibiting sex offenders in prison from using websites to find pen pals

COMMITTEE: Corrections — favorable, without amendment

VOTE: 9 ayes — Murr, Allen, Bailes, Burrows, Martinez Fischer, Rodriguez, Sherman, Slaton, White

0 nays

WITNESSES: For — William Busby

Against — Mary Molnar, Texas Voices for Reason and Justice

On — (*Registered, but did not testify*: Jason Clark, Texas Department of Criminal Justice; Thomas Parkinson)

DIGEST: HB 460 would require the Texas Department of Criminal Justice (TDCJ) to prohibit individuals who had been convicted of sex offenses and were in state custody from placing an advertisement on an internet website to solicit a pen pal. The prohibition would apply regardless of whether another person submitted or paid for the ad.

The bill would take effect September 1, 2021, and TDCJ would have to adopt the policy by December 1, 2021.

SUPPORTERS SAY: HB 460 would close a dangerous loophole in current policies that could be used by sex offenders to find new potential victims. By requiring the Texas Department of Criminal Justice (TDCJ) to implement a policy prohibiting sex offenders from placing ads for pen pals on the internet, the bill would help protect potential victims.

Currently, inmates can post ads on internet sites soliciting pen pals, and these relationships could be used by sex offenders to gain the trust of other people and commit new crimes. Under the policy that would be required by the bill, TDCJ would watch for inmates placing such ads and would be able to take disciplinary action if an ad was placed. The policy

would apply to sex offenders because of the seriousness of these crimes and the potential of pen pal relationships to further them.

The bill would not punish offenders, reduce their ability to communicate with the outside world, or infringe on free speech. Inmates have several other avenues of communication and ways to keep in touch with family, friends, and others, including visits, telephone calls, and mail. Other states have similar restrictions, and the prohibition on using the internet to solicit pen pals would be similar to the current prohibition on inmates creating or maintaining social media accounts while in prison. Prisons may limit inmate mail under certain conditions, and the bill is a logical extension of those policies.

**CRITICS
SAY:**

HB 460 could hurt some inmates' efforts to rehabilitate and reintegrate into society by reducing their ability to make connections with the outside world. Many inmates have limited connections with family or friends, and communicating with pen pals can give them hope, encouragement, and friendship, helping them cope with prison life and prepare to reintegrate into society. Pen pals can provide mentorship and faith-based connections that are important, regardless of an individual's offense.

While protecting individuals from crime is important, the bill could punish individuals in state custody because of the possibility of a potential crime. A policy developed under the bill could be difficult to enforce as inmates might not have control over who places their information on a pen pal website. Those agreeing to be pen pals with inmates are capable of deciding whether to continue correspondence.