

## **BILL ANALYSIS**

Senate Research Center  
84R1192 MAW-D

H.B. 372  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to a national organization, local, state, and national law enforcement agencies have seen a dramatic increase in cases of sexual exploitation of children since the 1990s. Studies looking into the use of the Internet in the commission of sexual crimes have shown that the computer age has resulted in more opportunities for the victimization of the innocent, particularly children, and presents complex challenges for law enforcement, victim services, parents, legislators, and the community. Interested parties assert that these problems continue to grow, and, because probation and parole agencies cannot restrict a sex offender's use of a computer or the Internet, the potential victimization of the innocent will persist. H.B. 372 seeks to remedy this situation by revising provisions relating to certain sex offenders.

H.B. 372 amends the Code of Criminal Procedure to include a sex offender who is assigned a numeric risk level of two based on a sex offender risk assessment among the sex offenders who are subject to certain restrictions on Internet access as a condition of community supervision. The bill requires a court that grants community supervision to a sex offender subject to those Internet access restrictions to ensure the defendant's compliance with the restrictions by requiring the defendant to submit to regular inspection or monitoring of each electronic device used by the defendant to access the Internet. It does allow the judge to opt out for just cause.

H.B. 372 amends the Government Code to include a sex offender who is assigned a numeric risk level of two based on a sex offender risk assessment among the sex offenders who are subject to certain restrictions on Internet access as a condition of parole or mandatory supervision. The bill requires a parole panel that releases on parole or to mandatory supervision a sex offender subject to those Internet access restrictions to ensure the release's compliance with the restrictions by requiring the releasee to submit to regular inspection or monitoring of each electronic device used by the releasee to access the Internet. It does allow the parole board to opt out for just cause.

H.B. 372 amends current law relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.

### **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 Section 13G, Article 42.12, Code of Criminal Procedure, as follows:

Sec. 13G. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN SEX OFFENDERS. (a) Provides that this section applies only to a person who is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), by court order or otherwise, and:

(1) and (2) Makes no change to these subdivisions; or

(3) is assigned a numeric risk level of two or three, rather than a risk level of three, based on an assessment conducted under Article 62.007 (Risk Assessment Review Committee; Sex Offender Screening Tool).

(b) Requires the court as a condition of community supervision, if the court grants community supervision to a defendant described in Subsection (a), to:

(1) Creates this subdivision from existing text; and

(2) 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) Authorizes the court to modify at any time the condition described by Subsection (b)(1)(D) (requiring the court as a condition of community supervision to prohibit the defendant from using the Internet to communicate with another individual the defendant knows is younger than 17 years of age), rather than Subsection (b)(4), if certain conditions are met.

SECTION 2. Amends Section 508.1861, Government Code, as follows:

Sec. 508.1861. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN SEX OFFENDERS. (a) Provides that 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) and (2) Makes no changes to these subdivisions; 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) Requires the parole panel as a condition of parole or mandatory supervision, if the parole panel releases on parole or to mandatory supervision a person described by Subsection (a), to:

(1) Creates this subdivision from existing text and makes nonsubstantive changes; 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) Authorizes the parole panel to modify at any time the condition described by Subsection (b)(1)(D) (requiring the parole panel as a condition of parole or mandatory supervision to prohibit the releasee from using the Internet to communicate with another individual the releasee knows is younger than 17 years of age), rather than Subsection (b)(4), if certain conditions are met.

SECTION 3. (a) Provides that 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. Makes application of Section 13G of this Act prospective.

(b) Requires the applicable court or parole panel to 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.

SECTION 4. Effective date: September 1, 2015.