

1-1 By: Riddle, et al. (Senate Sponsor - Whitmire) H.B. No. 372
1-2 (In the Senate - Received from the House April 14, 2015;
1-3 April 30, 2015, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Burton	X		
1-12	Creighton	X		
1-13	Hinojosa	X		
1-14	Menéndez	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 372 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the monitoring of the Internet access of certain sex
1-20 offenders placed on community supervision or released on parole or
1-21 to mandatory supervision.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 13G, Article 42.12, Code of Criminal
1-24 Procedure, is amended to read as follows:

1-25 Sec. 13G. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN SEX
1-26 OFFENDERS. (a) This section applies only to a person who is
1-27 required to register as a sex offender under Chapter 62, by court
1-28 order or otherwise, and:

1-29 (1) is convicted of or receives a grant of deferred
1-30 adjudication community supervision for a violation of Section
1-31 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal
1-32 Code;

1-33 (2) used the Internet or any other type of electronic
1-34 device used for Internet access to commit the offense or engage in
1-35 the conduct for which the person is required to register under
1-36 Chapter 62; or

1-37 (3) is assigned a numeric risk level of two or three
1-38 based on an assessment conducted under Article 62.007.

1-39 (b) If the court grants community supervision to a defendant
1-40 described by Subsection (a), the court as a condition of community
1-41 supervision shall:

1-42 (1) prohibit the defendant from using the Internet to:
1-43 (A) [~~(1)~~] access material that is obscene as
1-44 defined by Section 43.21, Penal Code;

1-45 (B) [~~(2)~~] access a commercial social networking
1-46 site, as defined by Article 62.0061(f);

1-47 (C) [~~(3)~~] communicate with any individual
1-48 concerning sexual relations with an individual who is younger than
1-49 17 years of age; or

1-50 (D) [~~(4)~~] communicate with another individual
1-51 the defendant knows is younger than 17 years of age; and

1-52 (2) to ensure the defendant's compliance with
1-53 Subdivision (1), require the defendant to submit to regular
1-54 inspection or monitoring of each electronic device used by the
1-55 defendant to access the Internet.

1-56 (c) The court may modify at any time the condition described
1-57 by Subsection (b)(1)(D) [~~(b)(4)~~] if:

1-58 (1) the condition interferes with the defendant's
1-59 ability to attend school or become or remain employed and
1-60 consequently constitutes an undue hardship for the defendant; or

2-1 (2) the defendant is the parent or guardian of an
2-2 individual who is younger than 17 years of age and the defendant is
2-3 not otherwise prohibited from communicating with that individual.

2-4 SECTION 2. Section 508.1861, Government Code, is amended to
2-5 read as follows:

2-6 Sec. 508.1861. PROHIBITIONS ON INTERNET ACCESS FOR CERTAIN
2-7 SEX OFFENDERS. (a) This section applies only to a person who, on
2-8 release, will be required to register as a sex offender under
2-9 Chapter 62, Code of Criminal Procedure, by court order or
2-10 otherwise, and:

2-11 (1) is serving a sentence for an offense under Section
2-12 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal
2-13 Code;

2-14 (2) used the Internet or any other type of electronic
2-15 device used for Internet access to commit the offense or engage in
2-16 the conduct for which the person is required to register under
2-17 Chapter 62, Code of Criminal Procedure; or

2-18 (3) is assigned a numeric risk level of two or three
2-19 based on an assessment conducted under Article 62.007, Code of
2-20 Criminal Procedure.

2-21 (b) If the parole panel releases on parole or to mandatory
2-22 supervision a person described by Subsection (a), the parole panel
2-23 as a condition of parole or mandatory supervision shall:

2-24 (1) prohibit the releasee from using the Internet to:

2-25 (A) [~~1~~] access material that is obscene as
2-26 defined by Section 43.21, Penal Code;

2-27 (B) [~~2~~] access a commercial social networking
2-28 site, as defined by Article 62.0061(f), Code of Criminal Procedure;

2-29 (C) [~~3~~] communicate with any individual
2-30 concerning sexual relations with an individual who is younger than
2-31 17 years of age; or

2-32 (D) [~~4~~] communicate with another individual
2-33 the releasee knows is younger than 17 years of age; and

2-34 (2) to ensure the releasee's compliance with
2-35 Subdivision (1), require the releasee to submit to regular
2-36 inspection or monitoring of each electronic device used by the
2-37 releasee to access the Internet.

2-38 (c) The parole panel may modify at any time the condition
2-39 described by Subsection (b)(1)(D) [~~(b)(4)~~] if:

2-40 (1) the condition interferes with the releasee's
2-41 ability to attend school or become or remain employed and
2-42 consequently constitutes an undue hardship for the releasee; or

2-43 (2) the releasee is the parent or guardian of an
2-44 individual who is younger than 17 years of age and the releasee is
2-45 not otherwise prohibited from communicating with that individual.

2-46 SECTION 3. This Act takes effect September 1, 2015.

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