

- SUBJECT:** Monitoring certain sex offenders on probation, parole use of Internet
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 6 ayes — Parker, White, Allen, Riddle, J.D. Sheffield, Toth
0 nays
1 absent — Rose
- WITNESSES:** For — Robert Rosenbusch, RemoteCOM; Laura Hunt; (*Registered, but did not testify*: Steven Tays, Bexar County Criminal District Attorney's Office; Justin Wood, Harris County District Attorney's Office)

Against — (*Registered, but did not testify*: G B Wardian)

On — (*Registered, but did not testify*: Stuart Jenkins, Carey Welebob, Texas Department of Criminal Justice)
- BACKGROUND:** Code of Criminal Procedure, art. 42.12, sec. 13G requires courts that grant community supervision (probation) to certain sex offenders to prohibit the offenders from using the Internet to:
- access obscene material;
 - access commercial social networking sites;
 - to have certain types of sexual communications; and
 - to communicate with juveniles.
- These prohibitions apply to certain sex offenders who have been assigned a risk level of three (high) by the state's risk assessment review committee.
- Government Code, sec. 508.1861 requires parole panels releasing certain sex offenders on parole or mandatory supervision to apply the same prohibitions as a condition of parole.
- DIGEST:** CSHB 1645 would require courts and parole panels that must impose restrictions on certain sex offenders' use of the Internet to require the probationers and parolees to submit to regular inspection or monitoring of each electronic device they use to access the Internet.

The bill would expand the type of offenders who fall under the requirement that courts prohibit certain types of Internet use to include offenders assigned a numeric risk level of 2 (moderate).

The bill would take effect September 1, 2013. It would apply to persons placed on community supervision or parole on or after September 1, 2009. Courts and parole panels would have to modify conditions of community supervision or parole to comply with CSHB 1645.

**SUPPORTERS
SAY:**

CSHB 1645 is needed to improve the state's monitoring of sex offenders out in the community on probation and parole. Better monitoring would increase public safety and help deter the offenders from committing another offense.

While current law requires courts and parole panels to restrict the Internet use of certain sex offenders, monitoring whether this restriction is followed can be time-consuming and difficult for probation and parole officers who often have large caseloads. In some cases, officers might examine offenders' computers to see what sites they have visited or sometimes require offenders to pay for content-control software. These methods can be time-consuming, burdensome, and result in uneven oversight from one offender to another. In addition, getting information about an offender's Internet use after the fact can come too late to prevent offenders from planning or committing another offense.

CSHB 1645 would make the state's oversight of sex offenders on parole and probation more effective and efficient by requiring offenders to submit to regular inspection or monitoring. To accomplish this, parole and probation officers would be able to use new software tools that allow remote access and real-time monitoring of computers and other devices. These tools would allow officers to know if sex offenders were violating the terms of their probation or parole by accessing pornography sites, having sexual communications, or other acts. Just knowing that this type of software is monitoring Internet use could deter offenders from violating the Internet prohibitions or committing another offense.

Putting this requirement in the statute is the best approach so it would be uniformly applied to all probationers and parolees who fall under the state's rules for restricted Internet use and so offenders would know they had to submit to monitoring. The statute would ensure that all offenders

were monitored and that Texans throughout the state were kept safe.

CSHB 1645 would not cost the state or local departments. Offenders could be required to pay any costs for monitoring software.

The bill would expand the requirement that Internet access be restricted to include offenders at risk level 2 (moderate) to better protect Texans. These offenders are potentially at risk to reoffend and warrant the same scrutiny and restrictions currently applied to level 3 offenders.

While CSHB 1645 would place more offenders under the Internet uses restrictions, the type of monitoring that the bill would allow would make the whole system more efficient. This would allow any increase in the number of offenders monitored to be handled with current resources.

**OPPONENTS
SAY:**

Current law already would allow the type of monitoring contemplated by CSHB 1645. Provisions requiring sex offenders to be prohibited from certain Internet uses, combined with the authority of probation and parole officers to oversee offenders, is broad enough to allow regular inspection and monitoring.

Expanding the type of offenders who would fall under the mandatory restrictions on Internet use and monitoring could increase the workload of probation and parole officers. This increase could be difficult to absorb without additional resources.