

- SUBJECT:** Monitoring Internet use by certain sex offenders on probation, parole
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 7 ayes — Murphy, J. White, Allen, Keough, Krause, Schubert, Tinderholt
0 nays
- WITNESSES:** For — Dean Friedrich
Against — None
On — (*Registered, but did not testify*: Rissie Owens, Texas Board of Pardons and Paroles; Stuart Jenkins, Texas Department of Criminal Justice - Parole Division)
- BACKGROUND:** Code of Criminal Procedure, art. 42.12, sec. 13G(b) requires courts that grant community supervision (probation) to certain sex offenders to prohibit the offenders from using the Internet to:
- access obscene material, as defined in the Penal Code;
 - access commercial social networking sites;
 - communicate with someone the offender knows to be younger than 17 years old; or
 - communicate with anyone about sexual relations with a person younger than 17 years old.
- These prohibitions apply to certain offenders who are required to register as sex offenders and who meet at least one other criterion, including having been assigned a risk level of three (high) under the state’s risk assessment tool. Government Code, sec. 508.1861 imposes the same requirement on parole panels releasing certain sex offenders on parole or mandatory supervision.
- DIGEST:** HB 372 would require courts and parole panels that currently must impose

restrictions on certain sex offenders' use of the Internet to require the probationers and parolees to demonstrate compliance by submitting to regular inspection or monitoring of each electronic device they use to access the Internet.

The bill would expand the type of probationers and parolees to whom restrictions on Internet use could apply to include those assigned a numeric risk level of two (moderate).

The bill would take effect September 1, 2015. 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 HB 372.

**SUPPORTERS
SAY:**

HB 372 would improve the state's monitoring of sex offenders in the community on probation or parole. Better monitoring would increase public safety and help deter the offenders from committing other offenses.

While current law requires courts and parole panels to restrict the Internet use of certain sex offenders, ensuring that they abide by these restrictions can be difficult for probation and parole officers carrying large caseloads. In some cases, officers might examine offenders' computers to see what sites they have visited or 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. Obtaining information about an offender's Internet use after the fact may come too late to prevent some offenders from planning or committing another offense.

HB 372 would make the state's oversight of certain 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 could use software tools that allow remote access and real-time monitoring of devices. With these tools, officers more easily could learn if sex offenders were violating the terms of their probation or parole by accessing pornography sites, having prohibited communications, or engaging in other forbidden activities online.

Monitoring an offender's Internet use — rather than looking at use after the fact -- would be the best approach to balance public safety and the need to use technology in today's society. Some courts have struck down broad Internet bans, making monitoring the best option to ensure compliance with current state restrictions. Monitoring could help probation and parole officers with the daily oversight of the offender. Just knowing their Internet use is being monitored could deter offenders from violating Internet prohibitions. Offenders who did not wish to be monitored could choose not have any devices with Internet access.

Placing this requirement in statute is the best approach to ensure it would be uniformly applied to all probationers and parolees who fall under the state's rules for restricted Internet use. Current restrictions by courts can vary widely in what they prohibit and are not based on the seriousness of an offense or the likelihood of a person reoffending.

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

HB 372 could be implemented with no cost to local probation departments or the state. Offenders could be required to pay the costs of the monitoring software. While HB 372 would place more offenders under the state's Internet use restrictions, the type of monitoring enabled by the bill would make the system more efficient, allowing any increase in the number of offenders monitored to be handled with current resources.

**OPPONENTS
SAY:**

Current law already allows the type of monitoring that would be imposed by HB 372. Probation and parole officers have ample authority to oversee offenders under their supervision. This combined with existing restrictions on Internet use is sufficient to allow regular inspection and monitoring of these sex offenders.

Including level two offenders among those who fall under the mandatory

restrictions on Internet use and monitoring could increase the workload of probation and parole officers. This additional work could be difficult to carry out without more resources.