

Regular Session, 2008

HOUSE BILL NO. 377

BY REPRESENTATIVE LEGER

CRIME/SEX OFFENSES: Provides for registry of sex offender online identifiers

1 AN ACT

2 To amend and reenact R.S. 15:542(C)(1)(m) and to enact R.S. 15:541(23) through (26) and
3 542.1.5(G); relative to sex offender registration and notification; to require the
4 Bureau of Criminal Identification and Information to provide for the capability of
5 allowing social networking web sites to compare its users to online identifiers on the
6 State Sex Offender and Child Predator Registry; to require entities operating social
7 networking web sites to provide information to the bureau; to provide for the
8 screening of its registered users; to provide for a defense to claims of liability; to
9 provide for definitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:542(C)(1)(m) is hereby amended and reenact and R.S. 15:541(23)
12 through (26) and 542.1.5(G) are hereby enacted to read as follows:

13 §541. Definitions

14 For the purposes of this Chapter, the definitions of terms in this Section shall
15 apply:

16 * * *

17 (23) "Chat room" means any Internet web site through which users have the
18 ability to communicate via text and which allows messages to be visible to all other
19 users or to a designated segment of all other users.

1 (1) A social networking web site desiring to compare its database of
2 registered users to the list of electronic mail addresses, instant message addresses,
3 and other online identifiers of persons in the registry shall provide to the bureau all
4 of the following information:

5 (a) The name, address, and telephone number of the entity operating the
6 social networking web site.

7 (b) The legal nature and corporate status of the entity operating the social
8 networking web site.

9 (c) A statement signed by the chief legal officer of the social networking web
10 site to the effect that the information obtained from the registry shall not be disclosed
11 for any purpose other than for comparing the database of registered users of the
12 social networking web site against the list of electronic mail addresses, instant
13 message addresses, and other online identifiers of persons contained in the state
14 registry to protect children from online sexual predators, and that disclosure of this
15 information for any other purpose may be unlawful.

16 (d) The name, address, and telephone number of a natural person who is
17 authorized to receive service of process for the entity operating the social networking
18 web site.

19 (2) After complying with the requirements of Paragraph (1) of this
20 Subsection, the entity operating the social networking web site may screen users or
21 compare its database of registered users to the list of electronic mail addresses,
22 instant message addresses, and other online identifiers of persons contained in the
23 State Sex Offender and Child Predator Registry as frequently as the bureau will
24 allow for the purpose of identifying, monitoring, or removing a registered user
25 associated with electronic mail addresses, instant message addresses, and other
26 online identifiers contained in the registry.

27 (3) An entity operating a social networking web site which complies with the
28 provisions of Paragraphs (1) and (2) of this Subsection, the entity, its directors,

1 officers, employees, or agents may claim such compliance as a defense to a claim for
2 liability arising against the entity or such persons.

3 Section 2. The Louisiana State Law Institute is hereby directed to alphabetize the
4 definitions contained in R.S. 15:541.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 377

Abstract: Requires the Bureau of Criminal Identification and Information to provide for the capability to allow social networking web sites to compare its database of registered users to the State Sex Offender and Child Predator Registry.

Present law provides for sex offenders and child predators to provide personal information to local law enforcement agencies, including e-mail addresses, online screen names, or other online identifiers used by the offender to communicate on the Internet. Requires the bureau to develop and maintain the State Sex Offender and Child Predator Registry in a manner which allows persons to search the registry by e-mail addresses, online screen names, or other online identifiers.

Proposed law requires the Bureau of Criminal Identification and Information to provide for the capability to allow social networking web sites to compare its database of registered users to the State Sex Offender and Child Predator Registry. Requires those entities who desire to compare its database of users to the state registry to provide certain pieces of information to the bureau, including contact information of the entity operating the social networking web site, the legal and corporate status of the entity, contact information of a natural person authorized to receive service of process for the entity, and a statement to the effect that the information obtained from the registry shall not be disclosed for any purpose other than protecting children from online predators. Further provides that entities which comply with provisions of proposed law may claim compliance as a defense to a claim for liability.

Proposed law defines "chat room", "instant message address", "online identifier", and "social networking web site".

(Amends R.S. 15:542(C)(1)(m); Adds R.S. 15:541(23)-(26) and 542.1.5(G))