
DIGEST

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Thierry

HB No. 55

Abstract: Creates the crime of unlawful use or access of social media by certain convicted sex offenders.

Proposed law creates the crime of unlawful use or access of social media. Prohibits the use or access of social networking websites, chat rooms, or peer-to-peer networks by a person previously convicted of a sex offense when the sex offense for which the person was convicted involved or was facilitated by the use of a computer or any other device with Internet capability.

Proposed law further prohibits convicted sex offenders from contacting a minor through the use of a social networking website, chat room, electronic mail, instant messenger, or any device with Internet capability when the victim of the offense for which the sex offender was convicted was a minor, and the sex offense involved or was facilitated by the use of a computer or any other device with Internet capability.

Proposed law provides an exception for those sex offenders who have permission to access social networking websites, chat rooms, or peer-to-peer networks from his probation or parole officer or a court of competent jurisdiction, or if the offender contacts a minor, with the approval of the minor's legal guardian and with the approval of his probation or parole officer or a court of competent jurisdiction.

Proposed law defines "chat room", "minor", "peer-to-peer network", and "social networking website".

Proposed law provides for the following penalties:

- (1) Upon a first conviction, the offender shall be fined not more than \$10,000 and shall be imprisoned with hard labor for not more than 10 years without benefit of parole, probation, or suspension of sentence.
- (2) Upon a second or subsequent conviction, the offender shall be fined not more than \$20,000 and shall be imprisoned with hard labor for not less than five years nor more than 20 years without benefit of parole, probation, or suspension of sentence.

(Adds R.S. 14:91.5)