
DIGEST

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HB No. 620

Abstract: Redefines the crime of unlawful use of social media by certain sex offenders, and provides for the offense of unlawful use of a social networking website.

Present law criminalizes the use or access of social networking websites, chat rooms, and peer-to-peer networks by certain sex offenders who are required to comply with the sex offender registration and notification provisions.

Present law provides for an exception if the offender has permission from his probation or parole officer or the court of original jurisdiction to use or access these social networking websites, chat rooms, or peer-to-peer networks.

Present law provides for a definition of "chat room" and "peer-to-peer network" and provides that "social networking website" means an Internet website that has any of the following capabilities:

- (1) Allows users to create web pages or profiles about themselves that are available to the general public or to any other users.
- (2) Offers a mechanism for communication among users, such as a forum, chat room, electronic mail, or instant messaging.

Proposed law amends present law and provides that it shall be unlawful for certain sex offenders who are required to register as a sex offender to "use" social networking websites and repeals the present law prohibition on the use or access of chat rooms or peer-to-peer networks.

Proposed law removes the present law provision which allows the sex offender to get permission to use social networking websites from his probation or parole officer or the court of original jurisdiction.

Proposed law removes the definition of "chat room" and "peer-to-peer network" and amends the definition of "social networking website" as follows:

- (1) Provides that a "social networking website" shall only include those Internet websites the primary purpose of which is facilitating social interaction with other users of the website and which allows users to create web pages or profiles about themselves that are available to the public or other users and offers a mechanism for communication among users.

- (2) Provides that "social networking website" shall not include an Internet website the primary purpose of which is facilitation of commercial transactions or the dissemination of news, or which provides only one of the following services: photo-sharing, electronic mail, or instant messenger.

Proposed law provides notice of this crime to sex offenders.

(Amends R.S. 14:91.5; Adds R.S. 15:543.1(18))