

2016 Regular Session

HOUSE BILL NO. 813

BY REPRESENTATIVE HENRY

SEX OFFENSE/REGISTRY: Provides relative to information required to be provided by sex offenders and the use of such information

1 AN ACT

2 To amend and reenact R.S. 15:542(C)(1)(m) and to enact R.S. 15:542.1.6, relative to sex
3 offender notification and registration; to require sex offenders to provide information
4 regarding their internet service provider account numbers; to require providers of
5 internet services, commercial online services, or commercial mobile services, or
6 interactive computer services to provide identifying information to the Louisiana
7 Bureau of Criminal Identification and Information upon request; to provide
8 definitions; to provide for a limitation of liability; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:542(C)(1)(m) is hereby amended and reenacted and R.S.
11 15:542.1.6 is hereby enacted to read as follows:

12 §542. Registration of sex offenders and child predators

13 * * *

14 C.(1) The offender shall register and provide all of the following information
15 to the appropriate law enforcement agencies listed in Subsection B of this Section
16 in accordance with the time periods provided for in this Subsection:

17 * * *

18 (m) Every e-mail address, online screen name, internet service provider
19 account number, or other online identifiers used by the offender to communicate on

1 the Internet. Required notice must be given before any online identifier is used to
2 communicate on the Internet.

3 * * *

4 §542.1.6. Internet service provider release of information regarding sex offenders

5 A.(1) Notwithstanding any other provision of law to the contrary, all
6 providers of internet services, commercial online service providers, or commercial
7 mobile services, or other entity that maintains a networking website or interactive
8 computer service who are registered to do business in this state, or who submit to the
9 jurisdiction thereof, shall submit emergency contact information to the Department
10 of Public Safety and Corrections, office of state police, in order to facilitate requests
11 from law enforcement agencies regarding the identifying information of a person
12 required to register as a sex offender pursuant to R.S. 15:541 et seq. The contact
13 information shall be submitted by July first of each year and immediately upon any
14 change in contact information.

15 (2)(a) The Louisiana Bureau of Criminal Identification and Information shall
16 maintain a database containing emergency contact information for all providers of
17 commercial mobile services and shall make such information immediately available
18 to all law enforcement agencies in the state.

19 (b) The bureau may adopt rules in accordance with the Administrative
20 Procedure Act to implement the provisions of this Section.

21 (3) Upon request of the bureau and submission of the name of a registered
22 sex offender, all providers of internet services, commercial online service providers,
23 or commercial mobile services, or who maintains a networking website or interactive
24 computer service who are registered to do business in this state, or who submit to the
25 jurisdiction thereof shall supply all online identifier information regarding that sex
26 offender.

27 B. Notwithstanding any other provision of law to the contrary, nothing in
28 this Section shall prohibit a provider of internet services, a commercial online service
29 provider, or a commercial mobile services, or who maintains a networking website

1 or interactive commercial from establishing protocols by which the provider
2 voluntarily discloses identification information regarding sex offenders.

3 C. For purposes of this Subsection:

4 (1) "Interactive computer service" means any information service, system,
5 or access software provider that provides or enables computer access by multiple
6 users to a computer server, including any form of online gaming service, a service
7 or system that provides access to the Internet and such systems operated or services
8 offered by libraries or educational institutions.

9 (2) "Networking website" means an Internet website, the purpose of which
10 is social interaction with other networking website users, which contains profile web
11 pages of the members of the website that include the names or nicknames of such
12 members, that allows photographs and any other personal or personally identifying
13 information to be placed on the profile web pages by such members, and which
14 provides links to other profile web pages on the networking website of friends or
15 associates of such members that can be accessed by other members or visitors to the
16 website. A networking website provides members of, or visitors to, such website the
17 ability to leave messages or comments on the profile web page that are visible to all
18 or some visitors to the profile web page and may also include a form of electronic
19 mail for members of the networking website.

20 (3) "Online identifier" means electronic mail address information or a name
21 used by a person when sending or receiving an instant message, social networking
22 communication, or similar Internet communication or when participating in an
23 Internet chat. The term includes an assumed name, nickname, pseudonym, moniker,
24 or user name established by a person for use in connection with an electronic mail
25 address, chat or instant chat room platform, commercial social networking site,
26 online gaming site, or online picture-sharing service.

27 D. The bureau shall make information regarding the online identifier
28 information of registered sex offenders available to the public.

- 1 E. No provider of interactive computer services shall be liable under this
2 Section or any other provision of law for any of the following:
- 3 (1) Identifying, removing, disabling, blocking or otherwise affecting a user
4 on a good faith belief that such user's electronic mail address, instant message name,
5 username, or other similar Internet identifier appeared in the National Sex Offender
6 Registry or any analogous state registry.
- 7 (2) For failing to identify, block or otherwise prevent a person from
8 registering for its service, or for failing to remove, disable or otherwise affect a
9 registered user, whose electronic mail address, instant message name or names, or
10 other similar Internet identifier appears in the National Sex Offender Registry or any
11 analogous state registry.
- 12 (3) Providing any information regarding the identity of a sex offender to any
13 law enforcement agency upon request of that agency.

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)]

HB 813 Original

2016 Regular Session

Henry

Abstract: Requires internet and computer services providers to provide online identifier information to the Louisiana Bureau of Criminal Identification and Information.

Present law provides for the registration and notification of sex offenders.

Present law prohibits sex offenders from using certain websites and also requires that the sex offender identify himself as a sex offender as a part of an online identity used on interactive websites.

Present law requires that a sex offender submit to law enforcement every e-mail address, online screen name, or other online identifiers used by the offender to communicate on the Internet.

Proposed law retains present law and adds that the sex offender shall submit his internet service provider account number.

Proposed law provides that all providers of internet services, commercial online service provider, or commercial mobile services, or who maintains a networking website or interactive computer service who are registered to do business in this state, or who submit to the jurisdiction thereof, shall submit emergency contact information to the DPS&C, office of state police, in order to facilitate requests from law enforcement agencies regarding the identifying information of a person required to register as a sex offender.

Proposed law provides that the bureau shall make information regarding the online identifier information of registered sex offenders available to the public.

Proposed law provides for a limitation of liability for providers who comply with proposed law.

(Amends R.S. 15:542(C)(1)(m); Adds R.S. 15:542.1.6)