



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL.145.265

Date: August 31, 2009

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Supersedes: None

BOARD POLICY

SUBJECT: SPECIAL CONDITION “N” (PROHIBITION ON INTERNET ACCESS FOR CERTAIN SEX OFFENDERS)

PURPOSE: To establish special condition “N” (Prohibition on Internet Access for Certain Sex Offenders)

AUTHORITY: Texas Government Code §§ 508.044, 508.045, and 508.1861; Code of Criminal Procedure, Chapter 62

DISCUSSION: The Texas Board of Pardons and Paroles (Board) determines conditions of parole and mandatory supervision. Except in special circumstances, board members and parole commissioners act in panels comprised of three persons, and panel decisions are made by majority vote. The Presiding Officer designates the composition of the parole panels. Special conditions are conditions imposed in addition to the standard conditions of parole or mandatory supervision. Unless otherwise provided, any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel.

POLICY: Special Condition “N” represents a cooperative effort between the Board, the Texas Department of Criminal Justice Parole Division (Division), and local law enforcement agencies to minimize the threat of sex offenders who will be returned to the community.

At any time special condition “N” is in effect, the offender shall fully comply with state laws governing the prohibition on internet access for certain sex offenders as well as Board and Division policies.

DEFINITIONS: Reportable conviction - a conviction or adjudication, regardless of the pendency of appeal, which is listed in Article 62.001(5), Code of Criminal Procedure.

PROCEDURES:

- I. Criteria for Imposition – Offenders who have a reportable conviction under the Penal Code listed in Article 62.001(5), Code of Criminal Procedure and:
 - A. Are serving a sentence for an offense under Section 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal Code;
 - B. Used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register under Chapter 62, Code of Criminal Procedure; or
 - C. Are assigned a numeric risk level of three based on an assessment conducted under Article 62.007, Code of Criminal Procedure.
- II. Imposition Requirements
 - A. A parole panel shall prohibit an offender from using the internet to:
 1. Access material that is obscene as defined by Section 43.21, Penal Code;
 2. Access a commercial social networking site, as defined by Article 62.0061(f), Code of Criminal Procedure;
 3. Communicate with any individual concerning sexual relations with an individual who is younger than 17 years of age; or
 4. Communicate with another individual the offender knows is younger than 17 years of age.
- III. Imposition of Special Condition
 - A. Unless otherwise directed, special condition “N” becomes effective the date of the parole panel decision.
 - B. An offender is not in violation of this policy if the parole panel modifies the condition per Section IVB below.
- IV. Withdrawal or Modification of Special Condition
 - A. Special condition “N” shall not be withdrawn but shall remain in effect for the duration of the supervision period.
 - B. Upon recommendation by the Division, Special Condition “N” may be modified by a majority of the parole panel if:

1. The condition interferes with the offender's ability to attend school or become or remain employed and consequently constitutes an undue hardship for the offender; or
2. The offender is the parent or guardian of an individual who is younger than 17 years of age and the offender is not otherwise prohibited from communicating with that individual.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 31ST DAY OF AUGUST, 2009.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

** Signature on file.*