

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 27, 2010
POSITION: Oppose

BILL NUMBER: AB 2208
AUTHOR: N. Torres
RELATED BILLS: AB 1850

BILL SUMMARY: Sex Offenders: Social Networking Prohibition

This bill would make it a misdemeanor for any person who is on probation or parole for the conviction of a crime that requires the registration as a sex offender to use any Internet social networking web site during the period of probation or parole if the victim was under 18 years of age at the time of the crime or the Internet was used in the commission of the crime. This bill would also authorize an exception to this prohibition for legitimate professional purposes by applying to the appropriate agency, as specified.

FISCAL SUMMARY

We note that at the time of this analysis the California Department of Corrections and Rehabilitation (CDCR) did not have an estimate on the workload impact of this measure, but Finance believes that the "exception process" contained in this measure would result in increased workload for the CDCR's Division of Adult Parole Operations. The level of the workload increase would depend on the number of exception requests that would be submitted to parole agents.

In addition, the Department of Justice (DOJ) has not provided a fiscal impact of this measure on their program, but Finance believes that this would impose additional workload on the DOJ. It is not expected that this workload would be significant; however, it is inappropriate to add any additional General Fund workload during this time of limited state resources.

We also note that to the extent the new crime in this measure increases the courts caseload, there would be an increased courts backlog and therefore increased pressure on the General Fund to support these increases.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

The Department of Finance is opposed to this measure as it would likely result in additional General Fund costs at a time when the state is facing a significant budget deficit.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law also sets forth the procedure for doing so and provides that a violation of the sex offender registration law is a crime.

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Analyst/Principal (0234)	Date	Assistant Program Budget Manager	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

N. Torres

April 27, 2010

AB 2208

COMMENTS (continued)

This bill would:

- Prohibit the use of any internet social networking web site by an offender required to register as a sex offender during their period of probation or parole if the victim was under 18 years of age at the time of the crime or if the Internet was used in the commission of the crime.
- Provide that the misdemeanor penalty for violation of this prohibition is up to six months in the county jail and/or a fine of not more than \$1,000.
- Define "Internet social networking Web site" as any Internet Web site that does all of the following:
 - Allows users through the creation of web pages or profiles or by other means to provide information about themselves that is available to the public or to other users;
 - Offers a mechanism for communication with other users where such users are likely to include a substantial number of minors; and
 - Has as its primary purpose the facilitation of online social interactions.
- State that any person on probation or parole, as specified, who is prohibited from accessing an Internet social networking Web site and who seeks an exception to the prohibition to use an Internet social networking Web site for legitimate professional purposes may apply for an exception through the appropriate parole or probation supervising agency when that person is on parole or probation.
- State that approval of any exception shall be valid for one year unless revoked by the supervising agency, as specified.
- Allow the person to renew the exception annually.

We note that a similar bill, AB 1850, as amended on April 27, 2010, would require as conditions of probation or parole that specified parolees who are required to register as sex offenders be prohibited from using the internet, as specified.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)								
	SO	(Dollars in Thousands)							
	LA	CO	PROP	2009-2010		2010-2011		2011-2012	Fund
	RV	98	FC	FC	FC	FC	FC	FC	Code
5225/Corr & Rehab	SO	No	-----	See Fiscal Summary	-----	-----	-----	-----	0001
0820/Justice	SO	No	-----	See Fiscal Summary	-----	-----	-----	-----	0001
0250/Jud Branch	SO	No	-----	See Fiscal Summary	-----	-----	-----	-----	0001