

1 SB48  
2 115207-1  
3 By Senators Benefield and Smitherman  
4 RFD: Judiciary  
5 First Read: 12-JAN-10  
6 PFD: 12/14/2009

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8 SYNOPSIS: Existing law requires the names of  
9 convicted sex offenders to be placed on a registry.

10 This bill would prohibit any person who is  
11 required to register as a convicted sex offender  
12 from accessing a commercial social networking  
13 website and would provide criminal penalties for  
14 violations. This bill would also provide that for  
15 purposes of determining jurisdiction, the offense  
16 under this act would be committed if the  
17 transmission that constitutes the offense  
18 originates in this state.

19 Amendment 621 of the Constitution of Alabama  
20 of 1901, now appearing as Section 111.05 of the  
21 Official Recompilation of the Constitution of  
22 Alabama of 1901, as amended, prohibits a general  
23 law whose purpose or effect would be to require a  
24 new or increased expenditure of local funds from  
25 becoming effective with regard to a local  
26 governmental entity without enactment by a 2/3 vote  
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the  
2 affected entity; or the Legislature appropriates  
3 funds, or provides a local source of revenue, to  
4 the entity for the purpose.

5 The purpose or effect of this bill would be  
6 to require a new or increased expenditure of local  
7 funds within the meaning of the amendment. However,  
8 the bill does not require approval of a local  
9 governmental entity or enactment by a 2/3 vote to  
10 become effective because it comes within one of the  
11 specified exceptions contained in the amendment.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 To prohibit a registered sex offender from accessing  
18 certain social networking sites on the Internet; to provide  
19 penalties for violations; to provide for jurisdiction; and in  
20 connection therewith would have as its purpose or effect the  
21 requirement of a new or increased expenditure of local funds  
22 within the meaning of Amendment 621 of the Constitution of  
23 Alabama of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of Alabama of 1901,  
25 as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) It is unlawful for a convicted sex  
2 offender who is registered pursuant to Article 2 of Chapter 20  
3 of Title 15 of the Code of Alabama 1975, to access a  
4 commercial social networking website when the sex offender  
5 knows or should have known that the site permits minor  
6 children to become members or to create or maintain personal  
7 web pages on the commercial social networking website.

8           (b) For the purposes of this section, a "commercial  
9 social networking website" is an Internet website that meets  
10 all of the following requirements:

11           (1) Is operated by a person who derives revenue from  
12 membership fees, advertising, or other sources related to the  
13 operation of the website.

14           (2) Facilitates the social introduction between two  
15 or more persons for the purposes of friendship, meeting other  
16 persons, or information exchanges.

17           (3) Allows users to create web pages or personal  
18 profiles that contain information such as the name or nickname  
19 of the user, photographs placed on the personal web page by  
20 the user, other personal information about the user, and links  
21 to other personal web pages on the commercial social  
22 networking website of friends or associates of the user that  
23 may be accessed by other users or visitors to the website.

24           (4) Provides users or visitors to the commercial  
25 social networking website with mechanisms to communicate with  
26 other users, such as a message board, chat room, electronic  
27 mail, or instant message services.

1 (c) A commercial social networking website does not  
2 include an Internet website that does either of the following:

3 (1) Provides only one of the following discrete  
4 services: Photo-sharing, electronic mail, or instant message  
5 services.

6 (2) Has as its primary purpose the facilitation of  
7 commercial transactions involving goods or services between  
8 its members or visitors.

9 (d) For purposes of determining jurisdiction, a  
10 violation of this section is committed in this state if the  
11 transmission that constitutes the offense originates in this  
12 state.

13 (e) A violation of this section is a Class B felony.

14 Section 2. Although this bill would have as its  
15 purpose or effect the requirement of a new or increased  
16 expenditure of local funds, the bill is excluded from further  
17 requirements and application under Amendment 621, now  
18 appearing as Section 111.05 of the Official Recompilation of  
19 the Constitution of Alabama of 1901, as amended, because the  
20 bill defines a new crime or amends the definition of an  
21 existing crime.

22 Section 3. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.