

1-1 By: Denny, et al. (Senate Sponsor - Ellis) H.B. No. 56
1-2 (In the Senate - Received from the House April 20, 2005;
1-3 April 21, 2005, read first time and referred to Committee on State
1-4 Affairs; May 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 56 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the offense of tampering with a direct recording
1-11 electronic voting machine; providing criminal penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 33, Penal Code, is amended by adding
1-14 Section 33.05 to read as follows:

1-15 Sec. 33.05. TAMPERING WITH DIRECT RECORDING ELECTRONIC
1-16 VOTING MACHINE. (a) In this section:

1-17 (1) "Direct recording electronic voting machine" has
1-18 the meaning assigned by Section 121.003, Election Code.

1-19 (2) "Measure" has the meaning assigned by Section
1-20 1.005, Election Code.

1-21 (b) A person commits an offense if the person knowingly
1-22 accesses a computer, computer network, computer program, computer
1-23 software, or computer system that is a part of a voting system that
1-24 uses direct recording electronic voting machines and by means of
1-25 that access:

1-26 (1) prevents a person from lawfully casting a vote;

1-27 (2) changes a lawfully cast vote;

1-28 (3) prevents a lawfully cast vote from being counted;

1-29 or

1-30 (4) causes a vote that was not lawfully cast to be
1-31 counted.

1-32 (c) An offense under this section does not require that the
1-33 votes as affected by the person's actions described by Subsection
1-34 (b) actually be the votes used in the official determination of the
1-35 outcome of the election.

1-36 (d) An offense under this section is a felony of the first
1-37 degree.

1-38 (e) Notwithstanding Section 15.01(d), an offense under
1-39 Section 15.01(a) is a felony of the third degree if the offense the
1-40 actor intends to commit is an offense under this section.

1-41 SECTION 2. (a) The change in law made by this Act applies
1-42 only to an offense committed on or after the effective date of this
1-43 Act. For purposes of this section, an offense is committed before
1-44 the effective date of this Act if any element of the offense occurs
1-45 before the effective date.

1-46 (b) An offense committed before the effective date of this
1-47 Act is covered by the law in effect when the offense was committed,
1-48 and the former law is continued in effect for that purpose.

1-49 SECTION 3. This Act takes effect September 1, 2005.

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