

Amend CSSB 1009 (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 48.057, Business & Commerce Code (page 1, between lines 58 and 59), insert the following:

(d) A person may not provide substantial assistance or support to another person knowing that the other person is engaged in an act or practice that violates this section.

(e) The following persons may bring a civil action against a person who violates this section:

(1) a person in business as an Internet service provider that is adversely affected by the violation;

(2) a business organization that has incurred a loss or disruption of its business activities as a result of the violation; or

(3) the attorney general.

(f) A person bringing an action under this section may:

(1) seek injunctive relief to restrain the violator from continuing the violation;

(2) recover damages in an amount equal to the greater of:

(A) actual damages arising from the violation;

(B) \$500,000 for each violation consisting of the same course of conduct or action, regardless of the number of times the conduct or act occurred; or

(C) \$100,000 for each zombie used to commit the violation; or

(3) both seek injunctive relief and recover damages as provided by this subsection.

(g) The court may increase an award of damages, statutory or otherwise, in an action brought under this section to an amount not to exceed three times the applicable damages if the court finds that the violations have occurred with a frequency as to constitute a pattern or practice.

(h) A plaintiff who prevails in an action filed under this section is entitled to recover court costs and reasonable attorney's fees, reasonable fees of experts, and other reasonable costs of litigation.

(i) The remedies authorized by this section are not exclusive but are in addition to any other procedure or remedy provided for by other statutory or common law.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 48.101(a), Business & Commerce Code, as added by Chapter 298, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

(a) The following persons, if adversely affected by the violation, may bring a civil action against a person who violates this chapter other than Section 48.057:

- (1) a provider of computer software;
- (2) an owner of a web page or trademark;
- (3) a telecommunications carrier;
- (4) a cable operator; or
- (5) an Internet service provider.