

By: Zaffirini

S.B. No. 1009

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the installation, copying, or use of certain computer  
3 software for unauthorized purposes.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 48.002, Business & Commerce Code, as  
6 added by Chapter 298, Acts of the 79th Legislature, Regular  
7 Session, 2005, is amended by adding Subdivisions (1-a) and (1-b) to  
8 read as follows:

9 (1-a) "Bot" means computer software that operates as an  
10 agent for a user or another computer program or simulates a human  
11 activity.

12 (1-b) "Botnet" means a number of computers that,  
13 without the knowledge of the computers' owners or operators, have  
14 been compromised to:

15 (A) run a computer program under a command and  
16 control infrastructure; or

17 (B) forward a transmission, including an  
18 unsolicited electronic mail message or virus, to other computers on  
19 the Internet.

20 SECTION 2. Section 48.054, Business & Commerce Code, as  
21 added by Chapter 298, Acts of the 79th Legislature, Regular  
22 Session, 2005, is amended to read as follows:

23 Sec. 48.054. KNOWING VIOLATION. A person knowingly  
24 violates Section 48.051, 48.052, ~~[or]~~ 48.053, or 48.055(b) if the

1 person:

2 (1) acts with actual knowledge of the facts that  
3 constitute the violation; or

4 (2) consciously avoids information that would  
5 establish actual knowledge of those facts.

6 SECTION 3. Section 48.055, Business & Commerce Code, as  
7 added by Chapter 298, Acts of the 79th Legislature, Regular  
8 Session, 2005, is amended to read as follows:

9 Sec. 48.055. OTHER PROHIBITED CONDUCT. (a) If a person is  
10 not the owner or operator of the computer, the person may not:

11 (1) induce the owner or operator of a computer in this  
12 state to install a computer software component to the computer by  
13 intentionally misrepresenting the extent to which the installation  
14 is necessary for security or privacy reasons, to open or view text,  
15 or to play a particular type of musical or other content; or

16 (2) copy and execute or cause the copying and  
17 execution of a computer software component to a computer in this  
18 state in a deceptive manner with the intent of causing the owner or  
19 operator of the computer to use the component in a manner that  
20 violates this chapter.

21 (b) If a person is not the owner or operator of the computer,  
22 the person may not knowingly cause a bot to be copied to a computer  
23 in this state and, without the owner's or operator's knowledge, use  
24 the bot:

25 (1) to become part of a botnet;

26 (2) to send an unsolicited commercial electronic mail  
27 message, as defined by Section 46.001;

1           (3) for an attack:

2                   (A) on a computer system or network that causes a  
3 loss of service to users; or

4                   (B) against an Internet Relay Chat network;

5           (4) to artificially add increments to a click counter  
6 by automatically clicking on an advertisement on an Internet  
7 website;

8           (5) to forward computer software designed to damage or  
9 disrupt a system;

10           (6) to collect personally identifiable information;

11           (7) to manipulate online polls or games; or

12           (8) for another purpose not authorized by the owner or  
13 operator of the computer.

14           SECTION 4. This Act takes effect September 1, 2007.