

By: Seliger

S.B. No. 1662

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for the offense of breach of computer
3 security.

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

5 SECTION 1. Section 33.01, Penal Code, is amended by adding
6 Subdivisions (10-a) and (14-a) to read as follows:

7 (10-a) "Critical infrastructure facility" means:

8 (A) a chemical manufacturing facility;

9 (B) a refinery;

10 (C) an electrical power generating facility,
11 substation, switching station, electrical control center, or
12 electrical transmission or distribution facility;

13 (D) a water intake structure, water treatment
14 facility, wastewater treatment plant, or pump station;

15 (E) a natural gas transmission compressor
16 station;

17 (F) a liquid natural gas terminal or storage
18 facility;

19 (G) a telecommunications central switching
20 office;

21 (H) a port, railroad switching yard, trucking
22 terminal, or other freight transportation facility;

23 (I) a gas processing plant, including a plant
24 used in the processing, treatment, or fractionation of natural gas;

1 or

2 (J) a transmission facility used by a federally
3 licensed radio or television station.

4 (14-a) "Identifying information" has the meaning
5 assigned by Section 32.51(a)(1).

6 SECTION 2. Section 33.02, Penal Code, is amended by
7 amending Subsections (b) and (d) and adding Subsections (b-1) and
8 (b-2) to read as follows:

9 (b) Except as provided by Subsections (b-1) and (b-2), an
10 [An] offense under this section is a Class B misdemeanor.

11 (b-1) Subject to Subsection (b-2), if [unless] in
12 committing the offense the actor knowingly obtains a benefit,
13 defrauds or harms another, or alters, damages, or deletes property,
14 an [in which event the] offense under this section is:

15 (1) a Class A misdemeanor if the aggregate amount
16 involved is less than \$1,500;

17 (2) a state jail felony if:

18 (A) the aggregate amount involved is \$1,500 or
19 more but less than \$20,000; or

20 (B) the aggregate amount involved is less than
21 \$1,500 and the defendant has been previously convicted two or more
22 times of an offense under this chapter;

23 (3) a felony of the third degree if the aggregate
24 amount involved is \$20,000 or more but less than \$100,000;

25 (4) a felony of the second degree if the aggregate
26 amount involved is \$100,000 or more but less than \$200,000; or

27 (5) a felony of the first degree if the aggregate

1 amount involved is \$200,000 or more.

2 (b-2) An offense under this section other than an offense
3 punishable as a felony of the first degree is a felony of the second
4 degree if:

5 (1) in committing the offense, the actor accesses the
6 identifying information of another; or

7 (2) the computer, computer network, or computer system
8 is owned by the government or a critical infrastructure facility.

9 (d) A person who is [~~his~~] subject to prosecution under this
10 section and any other section of this code may be prosecuted under
11 either or both sections.

12 SECTION 3. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 covered by the law in effect when the offense was committed, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, an offense was committed before the effective date of
18 this Act if any element of the offense occurred before that date.

19 SECTION 4. This Act takes effect September 1, 2009.