

BILL ANALYSIS

Senate Research Center
83R16225 AJZ-D

C.S.S.B. 249
By: Patrick
Criminal Justice
3/20/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the 82nd Legislature, Regular Session, 2011, H.B. 3396 amended the Penal Code to expand the definition of computer crimes and made certain crimes state jail felonies.

C.S.S.B. 249 clarifies the original intent of H.B. 3396 that a breach of computer security made with the intent to obtain a benefit is a punishable offense based on the standard value ladder in the Penal Code.

C.S.S.B. 249 amends current law relating to the prosecution of the offense of computer security.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.02(b-1), Penal Code, as follows:

(b-1) Provides that a person commits an offense if:

(1) with the intent to defraud or harm another or alter, damage, or delete property, the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner; or

(2) with the intent to obtain a benefit, the person knowingly accesses a computer, computer network, or computer system in violation of a clear and conspicuous prohibition by the owner of the computer, computer network, or computer system, or a contractual agreement to which the person has expressly agreed.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.