

By: Dukes

H.B. No. 1083

A BILL TO BE ENTITLED

AN ACT

relating to the venue for prosecution of certain computer crimes.

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

SECTION 1. Article 13.25(b), Code of Criminal Procedure, is amended to read as follows:

(b) An offense under Chapter 33, Penal Code, may be prosecuted in:

(1) the county of the principal place of business of the owner or lessee of a computer, computer network, or computer system involved in the offense;

(2) any county in which a defendant had control or possession of:

(A) any proceeds of the offense; or

(B) any books, records, documents, property, negotiable instruments, computer programs, or other material used in furtherance of the offense; ~~or~~

(3) any county from which, to which, or through which access to a computer, computer network, computer program, or computer system was made in violation of Chapter 33, whether by wires, electromagnetic waves, microwaves, or any other means of communication; or

(4) any county in which an individual who is a victim of the offense resides.

SECTION 2. This Act applies only to a criminal case in which

1 the indictment, information, or complaint is presented to the court
2 on or after the effective date of this Act. A criminal case in which
3 the indictment, information, or complaint was presented to the
4 court before the effective date of this Act is governed by the law
5 in effect when the indictment, information, or complaint was
6 presented, and the former law is continued in effect for that
7 purpose.

8 SECTION 3. This Act takes effect September 1, 2013.