

By: Bonnen of Galveston

H.B. No. 631

A BILL TO BE ENTITLED

AN ACT

relating to the impersonation of a state agency website or an associated website; providing a criminal penalty.

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

SECTION 1. Subchapter A, Chapter 2054, Government Code, is amended by adding Section 2054.012 to read as follows:

Sec. 2054.012. FRAUDULENT STATE AGENCY WEB PAGE PROHIBITED.

(a) In this section:

(1) "Benefit" and "harm" have the meanings assigned by Section 1.07, Penal Code.

(2) "State agency" means a board, commission, department, office, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code.

(b) A person commits an offense if the person, without obtaining the state agency's consent and with the intent to obtain a benefit or harm or defraud another, creates or maintains on an Internet site a web page that is represented as an official web page of or a web page associated with a state agency.

(c) An offense under this section is a felony of the third degree.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the person

1 may be prosecuted under this section, the other law, or both.

2 (e) It is an affirmative defense to prosecution under this
3 section that the person:

4 (1) discloses in unambiguous language to each visitor
5 to the web page that the web page is not associated with this state
6 or an agency, department, or institution of this state; and

7 (2) requires each visitor to the web page to
8 affirmatively acknowledge that the web page is not associated with
9 this state or an agency, department, or institution of this state.

10 SECTION 2. This Act takes effect September 1, 2015.