

By: Hernandez

H.B. No. 896

A BILL TO BE ENTITLED

AN ACT

relating to creating a criminal offense regarding the breach of computer security.

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

SECTION 1. Section 33.02, Penal Code, is amended by amending Subsection (b-1) and adding Subsection (f) to read as follows:

(b-1) A person commits an offense if, with the intent to defraud or harm another or alter, damage, or delete property, the person knowingly accesses:

(1) a computer, computer network, or computer system without the effective consent of the owner; or

(2) a computer, computer network, or computer system:

(A) that is owned by:

(i) the government; or

(ii) a business or other commercial entity engaged in a business activity;

(B) in violation of:

(i) a clear and conspicuous prohibition by the owner of the computer, computer network, or computer system; or

(ii) a contractual agreement to which the person has expressly agreed; and

(C) with the intent to obtain or use a file, data, or proprietary information stored in the computer, network, or

1 system to defraud or harm another or alter, damage, or delete
2 property.

3 (f) It is a defense to prosecution under Subsection (b-1)(2)
4 that the actor's conduct consisted solely of action taken pursuant
5 to a contract that was entered into with the owner of the computer,
6 computer network, or computer system for the purpose of assessing
7 the security of the computer, network, or system or providing other
8 security-related services.

9 SECTION 2. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect when the offense was committed, and
13 the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 3. This Act takes effect September 1, 2015.