

By: Hernandez

H.B. No. 896

Substitute the following for H.B. No. 896:

By: Herrero

C.S.H.B. No. 896

A BILL TO BE ENTITLED

1 AN ACT
2 relating to creating a criminal offense regarding the breach of
3 computer security.

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

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

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

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

13 (2) a computer, computer network, or computer system:
14 (A) that is owned by:
15 (i) the government; or
16 (ii) a business or other commercial entity
17 engaged in a business activity;

18 (B) in violation of:
19 (i) a clear and conspicuous prohibition by
20 the owner of the computer, computer network, or computer system; or
21 (ii) a contractual agreement to which the
22 person has expressly agreed; and

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

1 system.

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

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

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