

By: West

S.B. No. 1477

A BILL TO BE ENTITLED

AN ACT

relating to ransomware; creating a criminal offense.

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

SECTION 1. Chapter 33, Penal Code, is amended by adding Section 33.023 to read as follows:

Sec. 33.023. RANSOMWARE ATTACK AND EXTORTION. (a) In this section:

(1) "Privileged information" means:

(A) protected health information, as that term is defined by Section 182.002, Health and Safety Code;

(B) information that is subject to the attorney-client privilege; or

(C) information that is subject to the accountant-client privilege under Section 901.457, Occupations Code, or other law, if the information is on a computer, computer network, or computer system owned by a person possessing a license issued under Subchapter H, Chapter 901, Occupations Code.

(2) "Ransomware" means computer software that:

(A) is introduced onto a computer, computer network, or computer system; and

(B) prevents the owner of the computer, computer network, or computer system, or another person with the effective consent of the owner, from accessing information on that computer, computer network, or computer system.

1        (b) A person commits an offense if the person intentionally:

2                (1) introduces ransomware or causes ransomware to be  
3 introduced onto a computer, computer network, or computer system  
4 without the effective consent of the owner; and

5                (2) demands payment or other consideration to:

6                        (A) remove the ransomware;

7                        (B) restore the owner's access to the computer,  
8 computer network, or computer system; or

9                        (C) otherwise mitigate the effects of the  
10 ransomware.

11        (c) Except as provided by Subsection (d), an offense under  
12 this section is:

13                (1) a Class C misdemeanor if the value of the payment  
14 or other consideration demanded is less than \$100 or cannot be  
15 determined;

16                (2) a Class B misdemeanor if the value of the payment  
17 or other consideration demanded is \$100 or more but less than \$750;

18                (3) a Class A misdemeanor if the value of the payment  
19 or other consideration demanded is \$750 or more but less than  
20 \$2,500;

21                (4) a state jail felony if the value of the payment or  
22 other consideration demanded is \$2,500 or more but less than  
23 \$30,000;

24                (5) a felony of the third degree if the value of the  
25 payment or other consideration demanded is \$30,000 or more but less  
26 than \$150,000;

27                (6) a felony of the second degree if the value of the

1 payment or other consideration demanded is \$150,000 or more but  
2 less than \$300,000; and

3 (7) a felony of the first degree if the value of the  
4 payment or other consideration demanded is \$300,000 or more.

5 (d) If it is shown on the trial of the offense that the  
6 defendant knowingly restricted a victim's access to privileged  
7 information, an offense under this section is:

8 (1) a state jail felony if the value of the payment or  
9 other consideration demanded is less than \$2,500;

10 (2) a felony of the third degree if:

11 (A) the value of the payment or other  
12 consideration demanded is \$2,500 or more but less than \$30,000; or

13 (B) a client or patient of a victim suffered harm  
14 attributable to the offense;

15 (3) a felony of the second degree if:

16 (A) the value of the payment or other  
17 consideration demanded is \$30,000 or more but less than \$150,000;

18 or

19 (B) a client or patient of a victim suffered  
20 bodily injury attributable to the offense; and

21 (4) a felony of the first degree if:

22 (A) the value of the payment or other  
23 consideration demanded is \$150,000 or more; or

24 (B) a client or patient of a victim suffered  
25 serious bodily injury or death attributable to the offense.

26 (e) A person who is subject to prosecution under this  
27 section and any other section of this code may be prosecuted under

1 either section or both sections.

2 (f) For purposes of calculating the value of the payment or  
3 other consideration under Subsection (c) or (d), the exchange rate  
4 between a foreign currency and the United States dollar is  
5 established at the earlier of:

6 (1) the date the demand was made, if known; or

7 (2) the date the victim became aware of the demand.

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 on the date the offense was committed,  
12 and 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, 2017.