

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; or

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

(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.

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

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

(2) demands payment or other consideration to:

1           (A) remove the ransomware;

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

4           (C) otherwise mitigate the effects of the  
5 ransomware.

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

8           (1) a Class C misdemeanor if the value of the payment  
9 or other consideration demanded is less than \$100;

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

12           (3) a Class A misdemeanor if the value of the payment  
13 or other consideration demanded is \$750 or more but less than  
14 \$2,500;

15           (4) a state jail felony if the value of the payment or  
16 other consideration demanded is \$2,500 or more but less than  
17 \$30,000;

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

21           (6) a felony of the second degree if the value of the  
22 payment or other consideration demanded is \$150,000 or more but  
23 less than \$300,000; and

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

26           (d) If it is shown on the trial of the offense that the  
27 defendant knowingly restricted a victim's access to privileged

1 information, an offense under this section is:

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

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

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

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

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

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

12 or

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

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

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

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

20 (e) A person who is subject to prosecution under this  
21 section and any other section of this code may be prosecuted under  
22 either section or both sections.

23 SECTION 2. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 governed by the law in effect on the date the offense was committed,  
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense occurred  
3 before that date.

4 SECTION 3. This Act takes effect September 1, 2017.