

1-1 By: West S.B. No. 1477  
 1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 24, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 24, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1477 By: Perry

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to ransomware; creating a criminal offense.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Chapter 33, Penal Code, is amended by adding  
 1-24 Section 33.023 to read as follows:  
 1-25 Sec. 33.023. RANSOMWARE ATTACK AND EXTORTION. (a) In this  
 1-26 section:  
 1-27 (1) "Privileged information" means:  
 1-28 (A) protected health information, as that term is  
 1-29 defined by Section 182.002, Health and Safety Code;  
 1-30 (B) information that is subject to the  
 1-31 attorney-client privilege; or  
 1-32 (C) information that is subject to the  
 1-33 accountant-client privilege under Section 901.457, Occupations  
 1-34 Code, or other law, if the information is on a computer, computer  
 1-35 network, or computer system owned by a person possessing a license  
 1-36 issued under Subchapter H, Chapter 901, Occupations Code.  
 1-37 (2) "Ransomware" means computer software that:  
 1-38 (A) is introduced onto a computer, computer  
 1-39 network, or computer system; and  
 1-40 (B) prevents the owner of the computer, computer  
 1-41 network, or computer system, or another person with the effective  
 1-42 consent of the owner, from accessing information on that computer,  
 1-43 computer network, or computer system.  
 1-44 (b) A person commits an offense if the person intentionally:  
 1-45 (1) introduces ransomware onto a computer, computer  
 1-46 network, or computer system without the effective consent of the  
 1-47 owner; and  
 1-48 (2) demands payment or other consideration to:  
 1-49 (A) remove the ransomware;  
 1-50 (B) restore the owner's access to the computer,  
 1-51 computer network, or computer system; or  
 1-52 (C) otherwise mitigate the effects of the  
 1-53 ransomware.  
 1-54 (c) Except as provided by Subsection (d), an offense under  
 1-55 this section is:  
 1-56 (1) a Class C misdemeanor if the value of the payment  
 1-57 or other consideration demanded is less than \$100;  
 1-58 (2) a Class B misdemeanor if the value of the payment  
 1-59 or other consideration demanded is \$100 or more but less than \$750;  
 1-60 (3) a Class A misdemeanor if the value of the payment

2-1 or other consideration demanded is \$750 or more but less than  
2-2 \$2,500;

2-3 (4) a state jail felony if the value of the payment or  
2-4 other consideration demanded is \$2,500 or more but less than  
2-5 \$30,000;

2-6 (5) a felony of the third degree if the value of the  
2-7 payment or other consideration demanded is \$30,000 or more but less  
2-8 than \$150,000;

2-9 (6) a felony of the second degree if the value of the  
2-10 payment or other consideration demanded is \$150,000 or more but  
2-11 less than \$300,000; and

2-12 (7) a felony of the first degree if the value of the  
2-13 payment or other consideration demanded is \$300,000 or more.

2-14 (d) If it is shown on the trial of the offense that the  
2-15 defendant knowingly restricted a victim's access to privileged  
2-16 information, an offense under this section is:

2-17 (1) a state jail felony if the value of the payment or  
2-18 other consideration demanded is less than \$2,500;

2-19 (2) a felony of the third degree if:  
2-20 (A) the value of the payment or other  
2-21 consideration demanded is \$2,500 or more but less than \$30,000; or

2-22 (B) a client or patient of a victim suffered harm  
2-23 attributable to the offense;

2-24 (3) a felony of the second degree if:  
2-25 (A) the value of the payment or other  
2-26 consideration demanded is \$30,000 or more but less than \$150,000;

2-27 or  
2-28 (B) a client or patient of a victim suffered  
2-29 bodily injury attributable to the offense; and

2-30 (4) a felony of the first degree if:  
2-31 (A) the value of the payment or other  
2-32 consideration demanded is \$150,000 or more; or

2-33 (B) a client or patient of a victim suffered  
2-34 serious bodily injury or death attributable to the offense.

2-35 (e) A person who is subject to prosecution under this  
2-36 section and any other section of this code may be prosecuted under  
2-37 either section or both sections.

2-38 SECTION 2. The change in law made by this Act applies only  
2-39 to an offense committed on or after the effective date of this Act.  
2-40 An offense committed before the effective date of this Act is  
2-41 governed by the law in effect on the date the offense was committed,  
2-42 and the former law is continued in effect for that purpose. For  
2-43 purposes of this section, an offense was committed before the  
2-44 effective date of this Act if any element of the offense occurred  
2-45 before that date.

2-46 SECTION 3. This Act takes effect September 1, 2017.

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