By:  Hughes S.B. No. 83

A BILL TO BE ENTITLED

AN ACT

relating to certain interference with electronic mail messages.

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

SECTION 1.  The heading to Chapter 321, Business & Commerce Code, is amended to read as follows:

CHAPTER 321. REGULATION OF [~~CERTAIN~~] ELECTRONIC MAIL

SECTION 2.  Subchapter B, Chapter 321, Business & Commerce Code, is amended by adding Section 321.054 to read as follows:

Sec. 321.054.  IMPEDING ELECTRONIC MAIL MESSAGES PROHIBITED. An electronic mail service provider may not intentionally impede the transmission of another person's electronic mail message based on content unless:

(1)  the provider is authorized to block the transmission under Section 321.114; or

(2)  the message contains a computer virus, as defined by Section 33.01, Penal Code, obscene material, material depicting sexual conduct, or material that violates other law.

SECTION 3.  Section 321.105(a), Business & Commerce Code, is amended to read as follows:

(a)  In lieu of actual damages, a person injured by a violation of this chapter arising from the transmission of an unsolicited or commercial electronic mail message or by a violation of Section 321.054 may recover an amount equal to the lesser of:

(1)  $10 for each unlawful message or each message unlawfully impeded, as applicable; or

(2)  $25,000 for each day the unlawful message is received or the message is unlawfully impeded, as applicable.

SECTION 4.  This Act takes effect on the 91st day after the last day of the legislative session.