

By: Hughes

S.B. No. 83

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain interference with electronic mail messages.

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

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

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

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

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

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

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

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

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

24 (1) \$10 for each unlawful message or each message

1 unlawfully impeded, as applicable; or

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

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