

Chapter 154

H.B. No. 896

1 AN ACT

2 relating to creating a criminal offense regarding the breach of
3 computer security.

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

5 SECTION 1. Section 33.02, Penal Code, is amended by
6 amending Subsection (b-1) and adding Subsection (f) to read as
7 follows:

8 (b-1) A person commits an offense if, with the intent to
9 defraud or harm another or alter, damage, or delete property, the
10 person knowingly accesses:

11 (1) a computer, computer network, or computer system
12 without the effective consent of the owner; or

13 (2) a computer, computer network, or computer system:

14 (A) that is owned by:

15 (i) the government; or

16 (ii) a business or other commercial entity
17 engaged in a business activity;

18 (B) in violation of:

19 (i) a clear and conspicuous prohibition by
20 the owner of the computer, computer network, or computer system; or

21 (ii) a contractual agreement to which the
22 person has expressly agreed; and

23 (C) with the intent to obtain or use a file, data,
24 or proprietary information stored in the computer, network, or

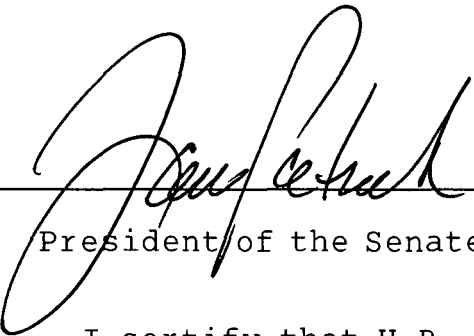
1 system to defraud or harm another or alter, damage, or delete
2 property.

3 (f) It is a defense to prosecution under Subsection (b-1)(2)
4 that the actor's conduct consisted solely of action taken pursuant
5 to a contract that was entered into with the owner of the computer,
6 computer network, or computer system for the purpose of assessing
7 the security of the computer, network, or system or providing other
8 security-related services.

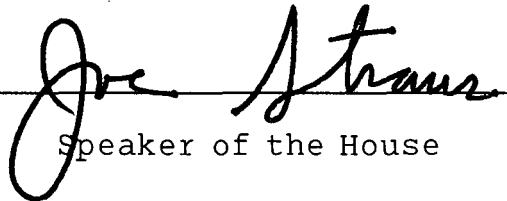
9 SECTION 2. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect when the offense was committed, and
13 the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 3. This Act takes effect September 1, 2015.

H.B. No. 896

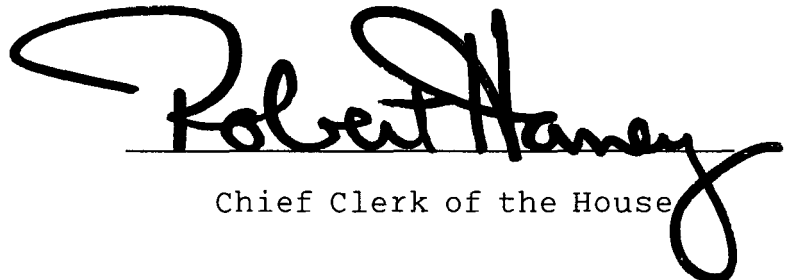


President of the Senate



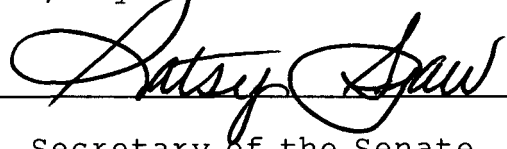
Speaker of the House

I certify that H.B. No. 896 was passed by the House on April 17, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting.



Chief Clerk of the House


I certify that H.B. No. 896 was passed by the Senate on May 15, 2015, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

APPROVED: 5-28-2015

Date

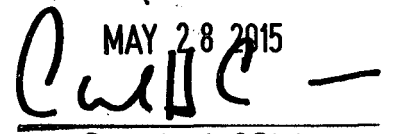


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

9pm O'CLOCK

MAY 28 2015



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 1, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB896 by Hernandez (Relating to creating a criminal offense regarding the breach of computer security.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to expand the circumstances which constitute the offense of breach of computer security. This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional agencies, programs, or workloads.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 2, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB896 by Hernandez (relating to creating a criminal offense regarding the breach of computer security.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to expand the circumstances which constitute the offense of breach of computer security. This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional agencies, programs, or workloads.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 9, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB896 by Hernandez (Relating to the prosecution of the offense of breach of computer security.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to expand the circumstances which constitute the offense of breach of computer security. This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional agencies, programs, or workloads.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

April 2, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB896 by Hernandez (relating to creating a criminal offense regarding the breach of computer security.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code to expand the circumstances which constitute the offense of breach of computer security.

The offense of breach of computer security is punishable at all felony degrees with the punishment degree based on the specifics of the offense. A first-degree felony is punishable by confinement in prison for life or five to 99 years, a second-degree felony for two to 20 years, a third-degree felony for two to ten years, and a state jail felony is punishable by confinement in a state jail for 180 days to two years. In addition to confinement all felony level offenses are subject to an optional fine not to exceed \$10,000.

In fiscal year 2014, 16 people were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted to state correctional institutions for breach of computer security. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional populations, programs, or workloads.

Source Agencies:

LBB Staff: UP, KJo, LM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

March 9, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB896 by Hernandez (Relating to the prosecution of the offense of breach of computer security.), **As Introduced**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code to expand the circumstances which constitute the offense of breach of computer security.

The offense of breach of computer security is punishable at all felony degrees with the punishment degree based on the specifics of the offense. A first-degree felony is punishable by confinement in prison for life or five to 99 years, a second-degree felony for two to 20 years, a third-degree felony for two to ten years, and a state jail felony is punishable by confinement in a state jail for 180 days to two years. In addition to confinement all felony level offenses are subject to an optional fine not to exceed \$10,000.

In fiscal year 2014, 16 people were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted to state correctional institutions for breach of computer security. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional populations, programs, or workloads.

Source Agencies:

LBB Staff: UP, KJo, LM