

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 841  
By: Patrick, Seliger  
Criminal Justice  
4/21/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.S.B. 841 amends current law relating to the prosecution of and punishment for the offense of breach of computer security.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.01, Penal Code, by adding Subdivisions (10-a) and (14-a), to define, respectively, "critical infrastructure facility" and "identifying information."

SECTION 2. Amends Sections 33.02, Penal Code, by amending Subsections (b) and (d) and adding Subsections (b-1), (b-2), and (e), as follows:

(b) Provides that an offense under Subsection (a) (relating to access without consent of owner) is a Class B misdemeanor, except that the offense is a state jail felony if the defendant has been previously convicted two or more times of an offense under this chapter; or the computer, computer network, or computer system is owned by the government or a critical infrastructure facility.

(b-1) Provides that a person commits an offense, if, with the intent to obtain a benefit, defraud or harm another, or alter, damage, or delete property, the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner.

(b-2) Provides that an offense under Subsection (b-1) is:

(1) a felony of the third degree if the aggregate amount involved is less than \$100,000, rather than \$20,000 or more but less than \$100,000;

(2) a felony of the second degree if:

(A) the aggregate amount involved is \$100,000 or more but less than \$200,000;

(B) the aggregate amount involved is any amount less than \$200,000 and the computer, computer network, or computer system is owned by the government or a critical infrastructure facility; or

(C) the actor obtains the identifying information of another by accessing only one computer, computer network, or computer system; or

(3) a felony of the first degree if the aggregate amount involved is \$200,000 or more; or the actor obtains the identifying information of another by accessing more than one computer, computer network, or computer system.

Deletes existing text providing that an offense under this section is a Class B misdemeanor unless in committing the offense the actor knowingly obtains a benefit, defrauds, or harms another, or alters, damages, or deletes property, in which event the offense is a Class A misdemeanor if the aggregate amount involved is less than \$1,500; a state jail felony if the aggregate amount involved is \$1,500 or more but less than \$20,000; or the aggregate amount involved is less than \$1,500 and the defendant has been previously convicted two or more times of an offense under this chapter.

(d) Provides that a person who is subject to prosecution under this section and any other section of this code may be prosecuted under either or both sections. Makes a nonsubstantive change.

(e) Provides that it is a defense to prosecution under this section that the person acted with the intent to facilitate a lawful seizure or search of, or lawful access to, a computer, computer network, or computer system for a legitimate law enforcement purpose.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.