

BILL ANALYSIS

Senate Research Center
84R5059 MAW-D

S.B. 345
By: Huffman
Criminal Justice
1/30/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 345 revises the Penal Code to establish that a person commits the offense of breach of computer security with the "intent to obtain a benefit" as a punishable offense, which allows prosecutors to effectively prosecute these cases.

Currently the statute includes a punishable offense based on the standard value ladder for "malicious" hacking, where there is the intent to: harm or defraud another; alter, damage or delete another's property; the person knowingly accesses a computer, computer network; or computer system without the effective consent of the owner.

S.B. 345 clarifies Section 33.02 (Breach of Computer Security), Penal Code, by adding the intent to obtain a benefit in the act of hacking a punishable offense based on the standard value ladder in the Penal Code.

S.B. 345 focuses only on actions that intentionally evade technology protection measures to gain a benefit. The use of "cookies" or other legitimate interactive methods commonly used on computer systems to tailor advertising and otherwise enhance the user's online experience would remain unaffected.

As proposed, S.B. 345 amends current law relating to the prosecution of 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 33.02(b-1), Penal Code, as follows:

(b-1) Provides that a person commits an offense if:

(1) Creates this subdivision from existing text and makes a nonsubstantive change; or

(2) with the intent to obtain a benefit, the person knowingly accesses a computer, computer network, or computer system in violation of:

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

(B) a contractual agreement to which the person has expressly agreed.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.