

## **BILL ANALYSIS**

Senate Research Center

H.B. 896  
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Criminal Justice  
5/1/2015  
Engrossed

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

Recognizing that cyber security is not only a national issue but also a state issue, interested parties assert that there is a current need for the legislature to enact certain revisions to the law relating to the offense of breach of computer security so that the law is readily available to use against a person committing such an offense. These parties explain that legislation enacted in 2011 addressed the prosecution of and punishment for the offense, but inadvertently removed certain language, which has resulted in the need to clarify matters relating to the legislature's original intention to punish the intent to obtain a benefit through computer hacking. H.B. 896 seeks to address this issue and give prosecutors the ability to effectively prosecute these types of offenses.

H.B. 896 amends current law relating to creating a criminal offense regarding the 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, Penal Code, by amending Subsection (b-1) and adding Subsection (f), as follows:

(b-1) Provides that a person commits an offense if, with the intent to defraud or harm another or alter, damage, or delete property, the person knowingly accesses:

(1) Creates this subdivision from existing text and makes no further change;

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

(A) that is owned by:

(i) the government; or

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

(B) in violation of:

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

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

(C) with the intent to obtain or use a file, data, or proprietary information stored in the computer, network, or system to defraud or harm another or alter, damage, or delete property.

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

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.