# BILL ANALYSIS

Senate Research Center
77R5693 GWK-F

S.B. 1201
By: Shapiro
Criminal Justice
3/23/2001
As Filed

## DIGEST AND PURPOSE

Currently, the portion of the Penal Code detailing computer crimes does not include a definition for "identifying information" or "sensitive commercial information." In addition, the Penal Code does not currently consider the amount of damage incurred in a breach of computer security or the number of people negatively impacted when considering an enhanced penalty or an aggregate amount. As proposed, S.B. 1201 defines "identifying information" and "sensitive commercial information" for the purposes of prosecuting computer crime. S.B. 1201 also provides that the number of persons harmed will be considered when determining the level of punishment and that the number of persons harmed and the amount of monetary damage incurred may be considered for the purposes of the penalty enhancement and determination of aggregate amount.

## 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 (17) and (18), to define "identifying information" and "sensitive commercial information."

SECTION 2. Amends Section 33.02(b), Penal Code, to provide 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, alters, damages, or deletes property, or obtains identifying information or sensitive commercial information, in which the event the offense is ranked on an ascending scale, from Class A misdemeanor to first degree felony, depending on the aggregate amount of monetary damage or the number of individuals affected.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.