

The complete text of the computer crimes chapter of the Penal Code appears below. All users of the UHSFB computer network should become familiar with this law and the consequences of violating it.

Texas Computer Crimes Statute

SECTION 1. Title 7, Chapter 33, Texas Penal Code

Section 33.01. **DEFINITIONS.**

In this chapter:

1. Access means to approach, instruct, communicate with, store data in, retrieve or intercept data from, alter data or computer software in, or otherwise make use of any resource of a computer, computer system, or computer network.
2. Communications common carrier means a person who owns or operates a telephone system in this state that includes equipment or facilities for the conveyance, transmission, or reception of communications and who receives compensation from persons who use that system.
3. Computer means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device that performs logical, arithmetic, or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, or communication facilities that are connected or related to the device.
4. Computer network means the interconnection of two or more computers or computer systems by satellite, microwave, line, or other communication medium with the capability to transmit information among the computers.
5. Computer program means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data or perform specific functions.
6. Computer security system means the design, procedures, or other measures that the person responsible for the operation and use of a computer employs to restrict the use of the computer to particular persons or uses or that the owner or licensee of data stored or maintained by a computer in which the owner or licensee is entitled to store or maintain the data employs to restrict access to the data.
7. Computer services means the product of the use of a computer, the information stored in the computer, or the personnel supporting the computer, including computer time, data processing, and storage functions.

8. Computer system means any combination of a computer or computer network with the documentation, computer software, or physical facilities supporting the computer or computer network.
9. Computer software means a set of computer programs, procedures, and associated documentation related to the operation of a computer, computer system, or computer network.
10. Computer virus means an unwanted computer program or other set of instructions inserted into a computer's memory, operating system, or program that is specifically constructed with the ability to replicate itself or to affect the other programs or files in the computer by attaching a copy of the unwanted program or other set of instructions to one or more computer programs or files.
11. Data means a representation of information, knowledge, facts, concepts, or instructions that is being prepared or has been prepared in a formalized manner and is intended to be stored or processed, is being stored or processed, or has been stored or processed in a computer. Data may be embodied in any form, including but not limited to computer printouts, magnetic storage media, laser storage media, and punchcards, or may be stored internally in the memory of the computer.
12. Effective consent includes consent by a person legally authorized to act for the owner. Consent is not effective if:
 - A. induced by deception, as defined by Section 31.01, or induced by coercion;
 - B. given by a person the actor knows is not legally authorized to act for the owner;
 - C. given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable property dispositions;
 - D. given solely to detect the commission of an offense; or
 - E. used for a purpose other than that for which the consent was given.
13. Electric utility has the meaning assigned by Subsection (c), Section 3, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).
14. Harm includes partial or total alteration, damage, or erasure of stored data,

interruption of computer services, introduction of a computer virus, or ' any other loss, disadvantage, or injury that might reasonably be suffered as a result of the actor's conduct.

15. Owner means a person who:

- A. has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor;
- B. has the right to restrict access to the property; or
- C. is the licensee of data or computer software.

16. Property means:

- A. tangible or intangible personal property including a computer, computer system, computer network, computer software, or data; or
- B. the use of a computer, computer system, computer network, computer software, or data.

Added by Acts 1985, 69th Leg., ch. 600, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 306, Sec. 1, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Section 33.02. **BREACH OF COMPUTER SECURITY.**

- A. A person commits an offense if the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner.
- B. A person commits an offense if the person intentionally or knowingly gives a password, identifying code, personal identification number, debit card number, bank account number, or other confidential information about a computer security system to another person without the effective consent of the person employing the computer security system to restrict access to a computer, computer network, computer system, or data.
- C. An offense under this section is a Class A misdemeanor unless the actor's intent is to obtain a benefit or defraud or harm another, in which event the offense is:
 - 1. a state jail felony if the value of the benefit or the amount of the loss or harm is less than \$20,000; or

2. a felony of the third degree if the value of the benefit or the amount of the loss or harm is \$20,000 or more.

D. 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.

Added by Acts 1985, 69th Leg., ch. 600, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 306, Sec. 2, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Section 33.03. **DEFENSES.**

It is an affirmative defense to prosecution under Section 33.02 that the actor was an officer, employee, or agent of a communications common carrier or electric utility and committed the proscribed act or acts in the course of employment while engaged in an activity that is a necessary incident to the rendition of service or to the protection of the rights or property of the communications common carrier or electric utility.

Added by Acts 1985, 69th Leg., ch. 600, Sec. 1, eff. Sept. 1, 1985. Renumbered from Sec. 33.04 and amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Section 33.04. **ASSISTANCE BY ATTORNEY GENERAL.**

The attorney general, if requested to do so by a prosecuting attorney, may assist the prosecuting attorney in the investigation or prosecution of an offense under this chapter or of any other offense involving the use of a computer.

Added by Acts 1985, 69th Leg., ch. 600, Sec. 1, eff. Sept. 1, 1985. Renumbered from Sec. 33.05 by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.