
By: Chairman, Judicial Proceedings Committee (Departmental - State Police, Dept. of)

Requested: October 17, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Police - Computer Crimes - Jurisdiction of the Department**

3 FOR the purpose of providing an exemption to certain prohibitions that preclude the
4 Department of State Police from acting within certain municipalities and other
5 subdivisions under certain circumstances; authorizing the Department of State
6 Police to act within certain municipalities and subdivisions under circumstances
7 involving certain computer related crimes; and generally relating to the
8 jurisdictional authority of the Department of State Police.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 146
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article 88B - Department of State Police
16 Section 4
17 Annotated Code of Maryland
18 (1995 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 27 - Crimes and Punishments**

22 146.

23 (a) In this section the following words have the meanings indicated.

24 (1) (i) "Computer" means an electronic, magnetic, optical, organic, or
25 other data processing device or system that performs logical, arithmetic, memory, or
26 storage functions.

27 (ii) "Computer" includes any property, data storage facility, or
28 communications facility that is directly related to or operated in conjunction with that
29 device or system.

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1 (iii) "Computer" does not include an automated typewriter or
2 typesetter, or a portable calculator.

3 (2) "Computer control language" means any ordered statements that direct
4 a computer to perform specific functions.

5 (3) "Computer data base" means a representation of information,
6 knowledge, facts, concepts, or instructions that:

7 (i) Are being prepared or have been prepared in a formalized manner
8 or are or have been produced by a computer, computer system, or computer network; and

9 (ii) Are intended for use in a computer, computer system, or computer
10 network.

11 (4) "Computer network" means the interconnection of 1 or more computers
12 through:

13 (i) The use of satellite, microwave, line, or other communication
14 media; and

15 (ii) Terminals or a complex consisting of 2 or more interconnected
16 computers whether or not the interconnection is continuously maintained.

17 (5) "Computer program" means an ordered set of instructions or statements
18 that may interact with related data that, when executed in a computer system, causes the
19 computer to perform specified functions.

20 (6) "Computer services" includes, but is not limited to, computer time, data
21 processing, and storage functions.

22 (7) "Computer software" means computer programs, instructions,
23 procedures, or associated documentation that is concerned with the operation of a
24 computer system.

25 (8) "Computer system" means 1 or more connected or unconnected
26 computers, peripheral devices, software, data, or programs.

27 (9) "Access" means to instruct, communicate with, store data in, retrieve
28 data from, or otherwise make use of equipment including, but not limited to, computers
29 and other data processing equipment or resources connected therewith.

30 (b) This section does not preclude the applicability of any other provision of this
31 Code.

32 (c) (1) A person may not intentionally, willfully, and without authorization
33 access, attempt to access, or cause access to a computer, computer network, computer
34 software, computer control language, computer system, computer services, computer data
35 base, or any part of these systems or services.

36 (2) A person may not intentionally, willfully, and without authorization
37 access, attempt to access, or cause access to a computer, computer network, computer
38 software, computer control language, computer system, computer services, computer data
39 base, or any part of these systems or services to:

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1 (i) Cause the malfunction or interrupt the operation of a computer,
2 computer network, computer software, computer control language, computer system,
3 computer services, computer data base, or any part of these systems or services; or

4 (ii) Alter, damage, or destroy data or a computer program stored,
5 maintained, or produced by a computer, computer network, computer system, computer
6 services, computer data base, or any part of these systems or services.

7 (3) A person may not intentionally, willfully, and without authorization:

8 (i) Identify or attempt to identify any valid access codes; or

9 (ii) Distribute or publicize any valid access codes to any unauthorized
10 person.

11 (d) (1) Any person who violates any provision of subsection (c)(1) of this section
12 is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
13 imprisonment not exceeding 3 years or both.

14 (2) Any person who violates any provision of subsection (c)(2) or (c)(3) of
15 this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
16 \$5,000 or imprisonment not exceeding 5 years or both.

17 (e) (1) When illegal access to a computer, computer network, computer control
18 language, computer system, computer services, computer software, computer data base,
19 or any part of these systems or services is committed in violation of this section pursuant
20 to 1 scheme or continuing course of conduct, the conduct may be considered as 1 offense.

21 (2) A court of competent jurisdiction in this State may try a person who
22 allegedly violates any provision of subsection (c) of this section in any county in this State
23 where:

24 (i) The person performs the act; or

25 (ii) The accessed computer is located.

26 (F) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
27 DEPARTMENT OF STATE POLICE MAY INITIATE INVESTIGATIONS AND OTHERWISE
28 ENFORCE THE PROVISIONS OF § 146 OF THIS ARTICLE THROUGHOUT THE STATE
29 WITHOUT ANY LIMITATION AS TO ACTIVITIES WITHIN MUNICIPAL CORPORATIONS
30 OR OTHER SUBDIVISIONS.

31 **Article 88B - Department of State Police**

32 4.

33 (a) In this section, "emergency" means a sudden or unexpected happening or an
34 unforeseen combination of circumstances that calls for immediate action to protect the
35 health, safety, welfare, or property of an individual from actual or threatened harm or
36 from an unlawful act.

37 (b) The Secretary, the deputy secretary, and employees designated by the
38 Secretary as police employees shall have throughout the State the same powers,
39 privileges, immunities, and defenses as sheriffs, constables, police officers, and other

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1 peace officers possessed at common law and may now or hereafter exercise within their
2 respective jurisdictions. Any warrant of arrest may be executed by a police employee in
3 any part of the State without further endorsement.

4 (c) Police employees shall not act within the limits of any incorporated
5 municipality which maintains a police force except: (1) when in pursuit of an offender or
6 suspected offender; (2) when in search of an offender or suspected offender wanted for a
7 crime committed outside of the limits of the municipality, or when interviewing or seeking
8 to interview a witness or supposed witness to such a crime; (3) when a crime is committed
9 in the presence of the police employee, the arrested party shall be immediately
10 transferred to the custody of the local law enforcement agency; (4) when requested to act
11 by the chief executive officer or the chief police officer of the municipality; (5) when
12 ordered by the Governor to act within the municipality; (6) except in Baltimore City,
13 when enforcing the motor vehicle laws of this State; (7) in Baltimore City, only when
14 enforcing Title 23 (Vehicle Laws - Inspection of Used Vehicles and Warnings for
15 Defective Equipment) of the Transportation Article; (8) in any building or place when
16 ordered by the President of the Senate and the Speaker of the House of Delegates, or
17 either of them, to guard the safety of legislators or the integrity of the legislative process;
18 (9) to protect the safety of an elected State official; (10) in the municipalities of Somerset
19 County; or (11) (i) 1. when participating in a joint investigation with officials from any
20 other State, federal, or local law enforcement agency at least one of which shall have local
21 jurisdiction; 2. when rendering assistance to a police officer; 3. when acting at the request
22 of a local police officer; or 4. when an emergency exists; and (ii) when acting in
23 accordance with regulations adopted by the Secretary to implement this paragraph.

24 (d) No police employee shall be placed on detached service and act for any
25 federal department, agency or committee outside of the State of Maryland without the
26 written approval of the Governor or as otherwise provided by law.

27 (e) The term "incorporated municipality" as used in subsection (b) of this section
28 shall mean the territory within the limits of an incorporated city or town within any county
29 of this State or of Baltimore City. However, this term shall not be construed to include
30 any other territory within the limits of any county.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1996.