

2. The specific sanction for ransomware possession also gives prosecutors a wider range of options in cases when the evidence for extortion charges may be difficult to prove. HB 215 shifts the focus of prosecution to mere possession of ransomware malware. As such, the search for evidence will be localized to the computer system of the suspect and there is no longer a need to trace a ransomware attack back to a source nor prove the resulting harm of the attack.
3. The *ex ante* enforcement that HB 215 establishes, ensures a concrete deterrent for potential attackers, who will now have to be wary of prosecution from the moment they come into possession of ransomware.
4. Having a standalone specific criminal sanction for ransomware, separate from extortion, considerably increases the possible penalties for ransomware attacks.

HB 215 follows other states that have passed legislation which explicitly addresses ransomware

HB 215 follows legislation that has passed in other states which explicitly address ransomware. California, Connecticut, Michigan, Texas and Wyoming have all passed laws on ransomware.<sup>5</sup> In 2018, Michigan made possession of ransomware software with intent to use it illegal.<sup>6</sup> The threat and cost of ransomware are giving rise to a trend of states passing legislation on this issue.

For all of the foregoing reasons, I strongly support HB 215.

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<sup>5</sup> See National Conference of State Legislatures , available at:  
<http://www.ncsl.org/research/telecommunications-and-information-technology/computer-hacking-and-unauthorized-access-laws.aspx>

<sup>6</sup> Michigan House Bill 5258

[http://www.legislature.mi.gov/\(S\(j1qvlqp1cd3e4basocvc3x25\)\)/mileg.aspx?page=GetObject&objectname=2017-HB-5258](http://www.legislature.mi.gov/(S(j1qvlqp1cd3e4basocvc3x25))/mileg.aspx?page=GetObject&objectname=2017-HB-5258)