



HB 635  
Crimes Involving Computers – Malware & Ransomware  
OPPOSED

February 18, 2020

# Existing Penalties for Ransomware-Related Conduct

## EXTORTION - Criminal Law § 3-701

(b) A person may not **obtain, attempt to obtain, or conspire to obtain money**, property, labor, services, or anything of value **from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:**

- (1) force or violence;
- (2) **economic injury**;
- (3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person; or
- (4) notification of law enforcement officials about another person's undocumented or illegal immigration status.

### **Felony offense**

**\$10K to less than 100K = punishable up to 15 years**

**\$100K+ = punishable up to 25 years**

# More Existing Penalties for Ransomware-Related Conduct

## UNAUTHORIZED ACCESS TO COMPUTERS - Criminal Law §7-302

(c)(1) = actual or attempted illegal access, copying or possession	(c)(2) = (c)(1) + intent to interrupt/alter/damage; or (c)(3) = illegal possession or publication of a valid access code		(c)(4) = (c)(1)-(3) + intent to interrupt government	
	< \$10k	\$10k +	< \$50k	\$50k +
misdemeanor	misdemeanor	felony	misdemeanor	felony
3 years	5 years	10 years	5 years	10 years
\$1,000	\$5,000	\$10,000	\$25,000	\$25,000

# More Existing Penalties for Ransomware

## UNAUTHORIZED ACCESS TO COMPUTERS - C

(c)(5) = possession of ransomware + intent to introduce w/o authorization

	(c)(2) = (c)(1) + intent to		(c)(4)	
	< \$10k	\$10k +	< \$50k	\$50k +
	misdemeanor	felony	misdemeanor	felony
	3 years	10 years	5 years	10 years
	\$1,000	\$10,000	\$25,000	\$25,000

damages = \$0

misdemeanor

10 years

\$10,000

Why would this new crime, that is merely possessory, and doesn't require damages in any amount, be penalized at the same level as crimes that are actually committed and require damages in excess of 10K or 50K in damages?

