
By: Delegates Rosenberg, Frank, Petzold, Getty, T. Murphy, Kopp, and Turner
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Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Computer Tampering - Penalties**

3 FOR the purpose of altering the penalties for intentionally and without authorization
4 accessing, attempting to access, or causing access to a computer or certain
5 computer-related systems or services to interrupt operation or to alter certain data
6 or programs; altering the penalties for intentionally and without authorization
7 identifying, attempting to identify, or distributing certain valid access codes; and
8 generally relating to penalties for intentionally and without authorization accessing
9 computers or certain computer-related systems or services.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 146
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 146.

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

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

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

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

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

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

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

5 (ii) Are intended for use in a computer, computer system, or computer
6 network.

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

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

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

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

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

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

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

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

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

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

32 (2) 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 to:

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

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

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

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

6 (ii) Distribute or publicize any valid access codes to any unauthorized
7 person.

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

11 (2) Any person who violates any provision of subsection (c)(2) or (c)(3) of
12 this section, WHERE THE VIOLATION CAUSES DAMAGES OF LESS THAN \$3,000, is guilty
13 of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or
14 imprisonment not exceeding 5 years or both.

15 (3) A PERSON WHO VIOLATES A PROVISION OF SUBSECTION (C)(2) OR
16 (C)(3) OF THIS SECTION, WHERE THE VIOLATION CAUSES DAMAGES OF AT LEAST
17 \$3,000, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

18 (I) FOR CAUSING DAMAGES OF LESS THAN \$50,000, A FINE OF NOT
19 MORE THAN \$8,000 AND IMPRISONMENT NOT EXCEEDING 7 YEARS OR BOTH; AND

20 (II) FOR CAUSING DAMAGES OF AT LEAST \$50,000, A FINE OF NOT
21 MORE THAN \$10,000 AND IMPRISONMENT NOT EXCEEDING 15 YEARS OR BOTH.

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

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

29 (i) The person performs the act; or

30 (ii) The accessed computer is located.

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