
By: **Delegate Cryor**

Introduced and read first time: February 12, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Computers - Exceeding Authorized Access**

3 FOR the purpose of expanding the provisions relating to unauthorized access to
4 certain computer devices or systems to include exceeding or attempting to
5 exceed a person's authorized access; prohibiting a person from creating or
6 withholding certain access codes; establishing penalty provisions and a statute
7 of limitations for certain computer crimes; providing for the effective date of this
8 Act; and generally relating to unauthorized access to computers.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 146
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1997 Supplement)

14 BY adding to
15 Article - Courts and Judicial Proceedings
16 Section 5-106(x)
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1997 Supplement)

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.

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

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

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

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

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

13 (ii) Are intended for use in a computer, computer system, or
14 computer network.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (3) A PERSON MAY NOT INTENTIONALLY AND WILLFULLY EXCEED THE
16 PERSON'S AUTHORIZED ACCESS OR ATTEMPT TO EXCEED THE PERSON'S
17 AUTHORIZED ACCESS TO A COMPUTER, COMPUTER NETWORK, COMPUTER
18 SOFTWARE, COMPUTER CONTROL LANGUAGE, COMPUTER SYSTEM, COMPUTER
19 SERVICES, COMPUTER DATA BASE, OR ANY PART OF THESE SYSTEMS OR SERVICES.

20 (4) A PERSON MAY NOT INTENTIONALLY AND WILLFULLY EXCEED THE
21 PERSON'S AUTHORIZED ACCESS OR ATTEMPT TO EXCEED THE PERSON'S
22 AUTHORIZED ACCESS TO A COMPUTER, COMPUTER NETWORK, COMPUTER
23 SOFTWARE, COMPUTER CONTROL LANGUAGE, COMPUTER SYSTEM, COMPUTER
24 SERVICES, COMPUTER DATA BASE, OR ANY PART OF THESE SYSTEMS OR SERVICES
25 TO:

26 (I) CAUSE THE MALFUNCTION OR INTERRUPT THE OPERATION OF
27 A COMPUTER, COMPUTER NETWORK, COMPUTER SOFTWARE, COMPUTER CONTROL
28 LANGUAGE, COMPUTER SYSTEM, COMPUTER SERVICES, COMPUTER DATA BASE, OR
29 ANY PART OF THESE SYSTEMS OR SERVICES; OR

30 (II) ALTER, DAMAGE, OR DESTROY DATA OR A COMPUTER PROGRAM
31 STORED, MAINTAINED, OR PRODUCED BY A COMPUTER, COMPUTER NETWORK,
32 COMPUTER SYSTEM, COMPUTER SERVICES, COMPUTER DATA BASE, OR ANY PART OF
33 THESE SYSTEMS OR SERVICES.

34 [(3)] (5) A person may not intentionally, willfully, and without
35 authorization:

36 (i) Identify or attempt to identify any valid access codes; [or]

37 (ii) Distribute or publicize any valid access codes to any
38 unauthorized person; OR

39 (III) CREATE OR WITHHOLD ANY TYPE OF ACCESS CODE.

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

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

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

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

15 (i) The person performs the act; or

16 (ii) The accessed computer is located.

17 **Article - Courts and Judicial Proceedings**

18 5-106.

19 (X) A PROSECUTION UNDER ANY OF THE PROVISIONS OF ARTICLE 27, § 146(C)
20 OF THE CODE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE WAS
21 COMMITTED.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 1998.