
By: **Delegate Rudolph**

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, systems, or services; establishing a statute of
5 limitations for certain computer crimes; and generally relating to computer
6 crimes.

7 BY repealing and reenacting, without amendments,
8 Article 27 - Crimes and Punishments
9 Section 146(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 146(c)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 5-106(x)
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1997 Supplement)

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

24 **Article 27 - Crimes and Punishments**

25 146.

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

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

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

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

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

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

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

16 (ii) Are intended for use in a computer, computer system, or
17 computer network.

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

20 (i) The use of a satellite, microwave, line, or other communication
21 media; and

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

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

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

29 (7) "Computer software" means computer programs, instruction,
30 procedures, or associated documentation that is concerned with the operation of a
31 computer system.

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

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

1 (c) (1) A person may not intentionally, willfully, and without authorization
2 access, attempt to access, [or] cause access, OR EXCEED THE PERSON'S AUTHORIZED
3 ACCESS, to a computer, computer network, computer software, computer control
4 language, computer system, computer services, computer data base, or any part of
5 these systems or services.

6 (2) A person may not intentionally, willfully, and without authorization
7 access, attempt to access, [or] cause access, OR EXCEED THE PERSON'S AUTHORIZED
8 ACCESS, to a computer, computer network, computer software, computer control
9 language, computer system, computer services, computer data base, or any part of
10 these systems or services to:

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

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

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

18 (i) POSSESS, [Identify] IDENTIFY, or attempt to identify any valid
19 access codes; or

20 (ii) Distribute or publicize any valid access codes to any
21 unauthorized person.

22 **Article - Courts and Judicial Proceedings**

23 5-106.

24 (X) A PROSECUTION UNDER ARTICLE 27, § 146(C) OF THE CODE RELATING TO
25 COMPUTER CRIMES SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE
26 WAS COMMITTED.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1998.