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By: ~~Delegate Rudolph~~ **Delegates Rudolph and Cryor**
Introduced and read first time: February 12, 1998
Assigned to: Judiciary

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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 1998

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CHAPTER_____

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~~ to apply to a person
5   who exceeds the person's authorized access and to certain possession of valid
6   access codes; increasing a statute of limitations for certain computer crimes; and
7   generally relating to computer crimes.

8 BY repealing and reenacting, without amendments,
9   Article 27 - Crimes and Punishments
10   Section 146(a)
11   Annotated Code of Maryland
12   (1996 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, with amendments,
14   Article 27 - Crimes and Punishments
15   Section 146(c)
16   Annotated Code of Maryland
17   (1996 Replacement Volume and 1997 Supplement)

18 BY adding to
19   Article - Courts and Judicial Proceedings
20   Section 5-106(x)
21   Annotated Code of Maryland
22   (1995 Replacement Volume and 1997 Supplement)

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

3   **Article 27 - Crimes and Punishments**

4 146.

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

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

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

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

14   (2)   "Computer control language" means any ordered statements that
15 direct a commuter to perform specific functions.

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

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

21   (ii)   Are intended for use in a computer, computer system, or
22 computer network.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28   (ii)   Distribute or publicize any valid access codes to any
29 unauthorized person.

30   **Article - Courts and Judicial Proceedings**

31 5-106.

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

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