

HOUSE BILL 278

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2000 Regular Session
0lr0178
CF 0lr0177

By: **The Speaker (Administration) and Delegates Franchot, Petzold,
Rosenberg, Pendergrass, and Barve**

Introduced and read first time: January 28, 2000
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 29, 2000

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Computer Piracy**

3 FOR the purpose of revising provisions of law concerning computer-related crimes;
4 providing that certain computer-related crimes resulting in losses above a
5 certain amount constitute a felony; establishing certain penalties; defining
6 ~~certain terms~~; a certain term; altering a certain definition; and generally
7 relating to computer-related crimes.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 146
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1999 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 146.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "ACCESS" MEANS TO INSTRUCT, COMMUNICATE WITH, STORE DATA
19 IN, RETRIEVE, INTERCEPT DATA FROM, OR OTHERWISE USE THE RESOURCES OF A
20 COMPUTER PROGRAM, COMPUTER SYSTEM, OR COMPUTER NETWORK.

1 (3) (I) "AGGREGATE AMOUNT" MEANS ANY DIRECT ~~OR INDIRECT~~ LOSS
2 OF PROPERTY OR SERVICES INCURRED BY A VICTIM.

3 (II) "AGGREGATE AMOUNT" INCLUDES THE VALUE OF ANY MONEY,
4 PROPERTY, OR SERVICE LOST, STOLEN, OR RENDERED UNRECOVERABLE BY THE
5 OFFENSE, OR ANY ACTUAL REASONABLE EXPENDITURE INCURRED BY THE VICTIM
6 TO VERIFY ~~THAT WHETHER~~ A COMPUTER PROGRAM, COMPUTER, COMPUTER
7 SYSTEM, OR COMPUTER NETWORK WAS ~~NOT~~ ALTERED, ACQUIRED, DAMAGED,
8 DELETED, DISRUPTED, OR DESTROYED BY THE ACCESS.

9 [(1)] (4) (i) "Computer" means an electronic, magnetic, optical,
10 organic, or other data processing device or system that performs logical, arithmetic,
11 memory, or storage functions.

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

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

17 [(2)] (5) "Computer control language" means any ordered statements
18 that direct a computer to perform specific functions.

19 [(3)] (6) "Computer data base" means a representation of information,
20 knowledge, facts, concepts, or instructions that:

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

24 (ii) Are intended for use in a computer, computer system, or
25 computer network.

26 [(4)] (7) "Computer network" means the interconnection of 1 or more
27 computers through:

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

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

32 [(5)] (8) "Computer program" means an ordered set of instructions or
33 statements that may interact with related data that, when executed in a computer
34 system, causes the computer to perform specified functions.

35 [(6)] (9) "Computer services" includes, but is not limited to, computer
36 time, data processing, and storage functions.

1 [(7)] (10) "Computer software" means computer programs, instructions,
2 procedures, or associated documentation that is concerned with the operation of a
3 computer system.

4 [(8)] (11) "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 [(12)] ~~"PROPERTY" MEANS INTELLECTUAL PROPERTY, COMPUTER DATA,
10 INSTRUCTIONS OR PROGRAMS IN EITHER MACHINE OR HUMAN READABLE FORM,
11 FINANCIAL INSTRUMENTS OR INFORMATION, MEDICAL INFORMATION, RESTRICTED
12 PERSONAL INFORMATION, OR ANY OTHER TANGIBLE OR INTANGIBLE ITEM OF
13 VALUE.~~

14 [(13)] ~~"SERVICES" INCLUDES COMPUTER TIME, DATA PROCESSING,
15 STORAGE FUNCTIONS, COMPUTER MEMORY, OR THE UNAUTHORIZED USE OF A
16 COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR COMPUTER NETWORK,
17 OR COMMUNICATIONS FACILITIES CONNECTED OR RELATED TO A COMPUTER,
18 COMPUTER SYSTEM, OR COMPUTER NETWORK.~~

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

21 (c) (1) A person may not intentionally, willfully, and without authorization
22 access, attempt to access, cause access, or exceed the person's authorized access, to a
23 computer, computer network, computer software, computer control language,
24 computer system, computer services, computer data base, or any part of these
25 systems or services.

26 (2) A person may not intentionally, willfully, and without authorization
27 access, attempt to access, cause access, or exceed the person's authorized access, to a
28 computer, computer network, computer software, computer control language,
29 computer system, computer services, computer data base, or any part of these
30 systems or services to:

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

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

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

38 (i) Possess, identify, or attempt to identify any valid access codes;
39 or

1 (ii) Distribute or publicize any valid access codes to any
2 unauthorized person.

3 (d) (1) Any person who violates any provision of subsection (c)(1) of this
4 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
5 \$1,000 or imprisonment not exceeding 3 years or both.

6 (2) (I) Any person who violates any provision of subsection (c)(2) or
7 (c)(3) of this section WHERE THE AGGREGATE AMOUNT OF THE LOSS IS LESS THAN
8 ~~\$5,000~~ \$10,000 is guilty of a misdemeanor and on conviction is subject to a fine not
9 exceeding \$5,000 or imprisonment not exceeding 5 years or both.

10 (II) ANY PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION
11 (C)(2) OR (C)(3) OF THIS SECTION WHERE THE AGGREGATE AMOUNT OF THE LOSS IS
12 ~~\$5,000~~ \$10,000 OR GREATER IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT
13 TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING ~~45~~ 10 YEARS
14 OR BOTH.

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

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

23 (i) The person performs the act; or

24 (ii) The accessed computer is located.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2000.