

SENATE BILL 200

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2000 Regular Session
0lr0177
CF 0lr0178

By: **The President (Administration) and Senators Miller, Forehand, and Hogan**

Introduced and read first time: January 24, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; and generally relating to computer-related crimes.

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

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

14 **Article 27 - Crimes and Punishments**

15 146.

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

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

20 (3) (I) "AGGREGATE AMOUNT" MEANS ANY DIRECT OR INDIRECT LOSS
21 INCURRED BY A VICTIM.

22 (II) "AGGREGATE AMOUNT" INCLUDES THE VALUE OF ANY MONEY,
23 PROPERTY, OR SERVICE LOST, STOLEN, OR RENDERED UNRECOVERABLE BY THE
24 OFFENSE, OR ANY ACTUAL EXPENDITURE INCURRED BY THE VICTIM TO VERIFY
25 THAT A COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR COMPUTER
26 NETWORK WAS NOT ALTERED, ACQUIRED, DAMAGED, DELETED, DISRUPTED, OR
27 DESTROYED BY THE ACCESS.

1 [(1)] (4) (i) "Computer" means an electronic, magnetic, optical,
2 organic, or other data processing device or system that performs logical, arithmetic,
3 memory, or 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)] (5) "Computer control language" means any ordered statements
10 that direct a computer to perform specific functions.

11 [(3)] (6) "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)] (7) "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)] (8) "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)] (9) "Computer services" includes, but is not limited to, computer
28 time, data processing, and storage functions.

29 [(7)] (10) "Computer software" means computer programs, instructions,
30 procedures, or associated documentation that is concerned with the operation of a
31 computer system.

32 [(8)] (11) "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 (12) "PROPERTY" MEANS INTELLECTUAL PROPERTY, COMPUTER DATA,
2 INSTRUCTIONS OR PROGRAMS IN EITHER MACHINE OR HUMAN READABLE FORM,
3 FINANCIAL INSTRUMENTS OR INFORMATION, MEDICAL INFORMATION, RESTRICTED
4 PERSONAL INFORMATION, OR ANY OTHER TANGIBLE OR INTANGIBLE ITEM OF
5 VALUE.

6 (13) "SERVICES" INCLUDES COMPUTER TIME, DATA PROCESSING,
7 STORAGE FUNCTIONS, COMPUTER MEMORY, OR THE UNAUTHORIZED USE OF A
8 COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR COMPUTER NETWORK,
9 OR COMMUNICATIONS FACILITIES CONNECTED OR RELATED TO A COMPUTER,
10 COMPUTER SYSTEM, OR COMPUTER NETWORK.

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

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

18 (2) A person may not intentionally, willfully, and without authorization
19 access, attempt to access, cause access, or exceed the person's authorized access, to a
20 computer, computer network, computer software, computer control language,
21 computer system, computer services, computer data base, or any part of these
22 systems or services to:

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

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

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

30 (i) Possess, identify, or attempt to identify any valid access codes;
31 or

32 (ii) Distribute or publicize any valid access codes to any
33 unauthorized person.

34 (d) (1) Any person who violates any provision of subsection (c)(1) of this
35 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
36 \$1,000 or imprisonment not exceeding 3 years or both.

37 (2) (I) Any person who violates any provision of subsection (c)(2) or
38 (c)(3) of this section WHERE THE AGGREGATE AMOUNT OF THE LOSS IS LESS THAN

1 \$5,000 is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
2 \$5,000 or imprisonment not exceeding 5 years or both.

3 (II) ANY PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION
4 (C)(2) OR (C)(3) OF THIS SECTION WHERE THE AGGREGATE AMOUNT OF THE LOSS IS
5 \$5,000 OR GREATER IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A
6 FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 15 YEARS OR
7 BOTH.

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

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

16 (i) The person performs the act; or

17 (ii) The accessed computer is located.

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