

HOUSE BILL 1109

E1

8lr1885

By: **Delegates Lee, Barnes, Benson, Bronrott, Carter, DeBoy, Dumais, Howard, James, Jones, Kramer, Kullen, McComas, McDonough, Niemann, Pena-Melnyk, Pendergrass, Ramirez, Schuh, Schuler, Shank, Stocksdale, and Waldstreicher**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Contents of Computer Database – Unauthorized Duplication and Possession**

3 FOR the purpose of prohibiting the intentional, willful, and unauthorized copying,
4 attempt to copy, possessing, or attempt to possess all or part of the contents of a
5 computer database accessed in a certain manner; providing that certain
6 penalties apply to a certain violation; making stylistic changes; and generally
7 relating to the unauthorized duplication or possession of computer databases.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 7–302(c)
11 Annotated Code of Maryland
12 (2002 Volume and 2007 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 7–302(d)
16 Annotated Code of Maryland
17 (2002 Volume and 2007 Supplement)

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

20 **Article – Criminal Law**

21 7–302.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) A person may not intentionally, willfully, and without
2 authorization:

3 (I) access, attempt to access, cause to be accessed, or exceed the
4 person's authorized access to all or part of a computer network, computer control
5 language, computer, computer software, computer system, computer [services]
6 **SERVICE**, or computer database[.]; **OR**

7 (II) **COPY, ATTEMPT TO COPY, POSSESS, OR ATTEMPT TO**
8 **POSSESS THE CONTENTS OF ALL OR PART OF A COMPUTER DATABASE**
9 **ACCESSED IN VIOLATION OF ITEM (I) OF THIS PARAGRAPH.**

10 (2) A person may not commit an act prohibited by paragraph (1) of this
11 subsection with the intent to:

12 (i) cause the malfunction or interrupt the operation of all or
13 any part of a computer, computer network, computer control language, computer
14 software, computer system, computer services, or computer data; or

15 (ii) alter, damage, or destroy all or any part of data or a
16 computer program stored, maintained, or produced by a computer, computer network,
17 computer software, computer system, computer [services] **SERVICE**, or computer
18 database.

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

21 (i) possess, identify, or attempt to identify a valid access code;
22 or

23 (ii) publicize or distribute a valid access code to an unauthorized
24 person.

25 (d) (1) A person who violates subsection (c)(1) of this section is guilty of a
26 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a
27 fine not exceeding \$1,000 or both.

28 (2) A person who violates subsection (c)(2) or (3) of this section:

29 (i) if the aggregate amount of the loss is \$10,000 or more, is
30 guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years
31 or a fine not exceeding \$10,000 or both; or

32 (ii) if the aggregate amount of the loss is less than \$10,000, is
33 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5
34 years or a fine not exceeding \$5,000 or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.