

HOUSE BILL 1377

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8lr2186

By: **Delegates Myers, Beitzel, Elliott, Jennings, McKee, Shewell, and Stifler**
Introduced and read first time: February 8, 2008
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Unauthorized Access to Wireless Internet Service**

3 FOR the purpose of prohibiting a person from intentionally, willfully, and without
4 authorization accessing, attempting to access, causing to be accessed, or
5 exceeding the person's authorized access to wireless Internet service with a
6 certain knowledge; applying certain penalties; and generally relating to
7 unauthorized access to computers and related material.

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

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

15 **Article - Criminal Law**

16 7-302.

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

18 (2) "Access" means to instruct, communicate with, store data in,
19 retrieve or intercept data from, or otherwise use the resources of a computer program,
20 computer system, or computer network.

21 (3) (i) "Aggregate amount" means a direct loss of property or
22 services incurred by a victim.

23 (ii) "Aggregate amount" includes:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. the value of any money, property, or service lost,
2 stolen, or rendered unrecoverable by the crime; or

3 2. any actual reasonable expenditure incurred by the
4 victim to verify whether a computer program, computer, computer system, or
5 computer network was altered, acquired, damaged, deleted, disrupted, or destroyed by
6 access in violation of this section.

7 (4) (i) “Computer” means an electronic, magnetic, optical, organic,
8 or other data processing device or system that performs logical, arithmetic, memory, or
9 storage functions.

10 (ii) “Computer” includes property, a data storage facility, or a
11 communications facility that is directly related to or operated with a computer.

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

14 (5) “Computer control language” means ordered statements that direct
15 a computer to perform specific functions.

16 (6) “Computer database” means a representation of information,
17 knowledge, facts, concepts, or instructions that:

18 (i) is intended for use in a computer, computer system, or
19 computer network; and

20 (ii) 1. is being prepared or has been prepared in a
21 formalized manner; or

22 2. is being produced or has been produced by a
23 computer, computer system, or computer network.

24 (7) “Computer network” means the interconnection of one or more
25 computers through:

26 (i) the use of a satellite, microwave, line, or other
27 communication medium; and

28 (ii) terminals or a complex consisting of two or more
29 interconnected computers regardless of whether the interconnection is continuously
30 maintained.

31 (8) “Computer program” means an ordered set of instructions or
32 statements that may interact with related data and, when executed in a computer
33 system, causes a computer to perform specified functions.

1 (9) "Computer services" includes computer time, data processing, and
2 storage functions.

3 (10) "Computer software" means a computer program, instruction,
4 procedure, or associated document regarding the operation of a computer system.

5 (11) "Computer system" means one or more connected or unconnected
6 computers, peripheral devices, computer software, data, or computer programs.

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

9 (c) (1) A person may not intentionally, willfully, and without
10 authorization access, attempt to access, cause to be accessed, or exceed the person's
11 authorized access to all or part of a computer network, computer control language,
12 computer, computer software, computer system, computer services **OTHER THAN**
13 **WIRELESS INTERNET SERVICE**, or computer database.

14 (2) A person may not commit an act prohibited by paragraph (1) **OR**
15 **(4)** of this subsection with the intent to:

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

19 (ii) alter, damage, or destroy all or any part of data or a
20 computer program stored, maintained, or produced by a computer, computer network,
21 computer software, computer system, computer services, or computer database.

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

24 (i) possess, identify, or attempt to identify a valid access code;
25 or

26 (ii) publicize or distribute a valid access code to an unauthorized
27 person.

28 **(4) A PERSON MAY NOT INTENTIONALLY, WILLFULLY, AND**
29 **WITHOUT AUTHORIZATION ACCESS, ATTEMPT TO ACCESS, CAUSE TO BE**
30 **ACCESSED, OR EXCEED THE PERSON'S AUTHORIZED ACCESS TO WIRELESS**
31 **INTERNET SERVICE WITH KNOWLEDGE THAT THE ACCESS IS UNAUTHORIZED**
32 **AND PROHIBITED BY LAW.**

33 (d) (1) A person who violates subsection (c)(1) **OR (4)** of this section is
34 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3
35 years or a fine not exceeding \$1,000 or both.

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

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

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

8 (e) Access achieved in violation of this section under a single scheme or a
9 continuing course of conduct may be considered as one violation.

10 (f) A court of competent jurisdiction may try a person prosecuted under this
11 section in any county in this State where:

12 (1) the defendant performed the act; or

13 (2) the accessed computer is located.

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