

# HOUSE BILL 704

F1, E1

7lr2054

---

By: **Delegates Vogt, Angel, D. Barnes, Beitzel, Bromwell, Brooks, Buckel, Carozza, Ebersole, Folden, Frick, Hixson, S. Howard, Jackson, Jalisi, Kipke, Knotts, Korman, McKay, Proctor, Saab, Szeliga, Vallario, C. Wilson, K. Young, and P. Young**

Introduced and read first time: February 2, 2017

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Identity Protection and Credit Monitoring Services**  
3 **(Student Identity Protection Act)**

4 FOR the purpose of requiring the State Board of Education to provide identity protection  
5 and credit monitoring services to certain students for a certain number of years  
6 under certain circumstances; requiring the State Board to adopt certain regulations;  
7 and generally relating to identity protection and credit monitoring services for  
8 current and former students.

9 BY repealing and reenacting, without amendments,  
10 Article – Criminal Law  
11 Section 7–302(a) and (c)  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2016 Supplement)

14 BY adding to  
15 Article – Education  
16 Section 2–208  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2016 Supplement)

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

21 **Article – Criminal Law**

22 7–302.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (ii) "Aggregate amount" includes:

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

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

14 (4) (i) "Computer" means an electronic, magnetic, optical, organic, or  
15 other data processing device or system that performs logical, arithmetic, memory, or  
16 storage functions.

17 (ii) "Computer" includes property, a data storage facility, or a  
18 communications facility that is directly related to or operated with a computer.

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

21 (5) "Computer control language" means ordered statements that direct a  
22 computer to perform specific functions.

23 (6) "Computer database" means a representation of information,  
24 knowledge, facts, concepts, or instructions that:

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

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

29 2. is being produced or has been produced by a computer,  
30 computer system, or computer network.

31 (7) "Computer network" means the interconnection of one or more  
32 computers through:

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

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

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

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

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

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

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

15 (i) access, attempt to access, cause to be accessed, or exceed the  
16 person's authorized access to all or part of a computer network, computer control language,  
17 computer, computer software, computer system, computer service, or computer database;  
18 or

19 (ii) copy, attempt to copy, possess, or attempt to possess the contents  
20 of all or part of a computer database accessed in violation of item (i) of this paragraph.

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

23 (i) cause the malfunction or interrupt the operation of all or any part  
24 of a computer, computer network, computer control language, computer software, computer  
25 system, computer service, or computer data; or

26 (ii) alter, damage, or destroy all or any part of data or a computer  
27 program stored, maintained, or produced by a computer, computer network, computer  
28 software, computer system, computer service, or computer database.

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

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

31 (ii) publicize or distribute a valid access code to an unauthorized  
32 person.

1 (4) A person may not commit an act prohibited under this subsection with  
2 the intent to interrupt or impair the functioning of:

3 (i) the State government;

4 (ii) a service, device, or system related to the production,  
5 transmission, delivery, or storage of electricity or natural gas in the State that is owned,  
6 operated, or controlled by a person other than a public service company, as defined in §  
7 1–101 of the Public Utilities Article; or

8 (iii) a service provided in the State by a public service company, as  
9 defined in § 1–101 of the Public Utilities Article.

#### 10 Article – Education

#### 11 2–208.

12 (A) THE STATE BOARD SHALL PROVIDE IDENTITY PROTECTION AND  
13 CREDIT MONITORING SERVICES FOR AT LEAST 5 YEARS TO ANY CURRENT OR  
14 FORMER STUDENT WHOSE PERSONAL INFORMATION HAS BEEN COMPROMISED BY A  
15 BREACH OF A PUBLIC SCHOOL’S OR LOCAL SCHOOL SYSTEM’S COMPUTER NETWORK,  
16 COMPUTER CONTROL LANGUAGE, COMPUTER, COMPUTER SOFTWARE, COMPUTER  
17 SYSTEM, COMPUTER SERVICE, OR COMPUTER DATABASE IN VIOLATION OF § 7–302  
18 OF THE CRIMINAL LAW ARTICLE.

19 (B) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
20 SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2017.