

SENATE BILL 405

E1
SB 83/22 – JPR

3lr1275

By: **Senators Kagan, Waldstreicher, and Jackson**

Introduced and read first time: February 1, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Public Safety – Interference With a Public Safety Answering**
3 **Point – Penalties**

4 FOR the purpose of prohibiting a person from taking certain actions with the intent to
5 interrupt or impair the functioning of a public safety answering point; prohibiting a
6 person from taking certain actions which interrupt or impair the functioning of a
7 public safety answering point; and generally relating to public safety answering
8 points.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 7–302(c) and (d)
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

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

16 **Article – Criminal Law**

17 7–302.

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

19 (i) access, attempt to access, cause to be accessed, or exceed the
20 person’s authorized access to all or part of a computer network, computer control language,
21 computer, computer software, computer system, computer service, or computer database;
22 or

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

11 (ii) publicize or distribute a valid access code to an unauthorized
12 person.

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

15 (i) the State government;

16 (ii) a service, device, or system related to the production,
17 transmission, delivery, or storage of electricity or natural gas in the State that is owned,
18 operated, or controlled by a person other than a public service company, as defined in §
19 1–101 of the Public Utilities Article;

20 (iii) a service provided in the State by a public service company, as
21 defined in § 1–101 of the Public Utilities Article;

22 (iv) a health care facility, as defined in § 18–338.1 of the Health –
23 General Article; or

24 (v) a public school, as defined in § 1–101 of the Education Article.

25 (5) (i) This paragraph does not apply to a person who has a bona fide
26 scientific, educational, governmental, testing, news, or other similar justification for
27 possessing ransomware.

28 (ii) A person may not knowingly possess ransomware with the intent
29 to use the ransomware for the purpose of introduction into the computer, computer
30 network, or computer system of another person without the authorization of the other
31 person.

32 **(6) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS**

1 **SUBSECTION WITH THE INTENT TO INTERRUPT OR IMPAIR THE FUNCTIONING OF A**
2 **PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY**
3 **ARTICLE.**

4 **(7) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS**
5 **SUBSECTION THAT INTERRUPTS OR IMPAIRS THE FUNCTIONING OF A PUBLIC**
6 **SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY**
7 **ARTICLE.**

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

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

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

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

18 (3) A person who violates subsection (c)(4) of this section:

19 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty
20 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not
21 exceeding \$100,000 or both; or

22 (ii) if the aggregate amount of the loss is less than \$10,000, is guilty
23 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a
24 fine not exceeding \$25,000 or both.

25 (4) A person who violates subsection (c)(5) of this section is guilty of a
26 misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine
27 not exceeding \$5,000 or both.

28 **(5) A PERSON WHO VIOLATES SUBSECTION (C)(6) OF THIS SECTION IS**
29 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
30 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

31 **(6) A PERSON WHO VIOLATES SUBSECTION (C)(7) OF THIS SECTION IS**
32 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
33 **EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2023.