

# HOUSE BILL No. 1444

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-24-5; IC 35-43-2-3.

**Synopsis:** Criminal and civil liability for ransomware. Increases the penalty for computer trespass to a Level 6 felony if the person who commits the offense prevents the owner of the computer system from accessing the computer system, the computer network, or one or more files located on the computer system or computer network. Provides that a person who is the victim of computer trespass may bring a civil action against the person who committed the offense for treble damages, costs, and reasonable attorney's fees.

**Effective:** July 1, 2017.

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January 17, 2017, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1444

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-24-5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]:

4 **Chapter 5. Liability for Computer Trespass**  
5 **Sec. 1. As used in this chapter, "loss" includes expenses incurred**  
6 **in securing a computer system or computer network against**  
7 **unauthorized intrusion.**

8 **Sec. 2. A person who suffers a loss as the result of a violation of**  
9 **IC 35-43-2-3(e) may bring an action against the person who caused**  
10 **the loss for the following:**

11 (1) **An amount not to exceed three (3) times the actual**  
12 **damages of the person who suffered the loss.**

13 (2) **The costs of the action.**

14 (3) **Reasonable attorney's fees.**

15 **Sec. 3. It is not a defense to an action under this chapter that the**  
16 **defendant:**

17 (1) **has not been prosecuted; or**



- 1           **(2) is facing criminal prosecution.**  
 2           **Sec. 4. Treble damages awarded under this chapter are not**  
 3           **punitive damages.**  
 4           SECTION 2. IC 35-43-2-3, AS AMENDED BY P.L.79-2009,  
 5           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2017]: Sec. 3. (a) As used in this section:  
 7           "Access" means to:  
 8           (1) approach;  
 9           (2) instruct;  
 10           (3) communicate with;  
 11           (4) store data in;  
 12           (5) retrieve data from; or  
 13           (6) make use of resources of;  
 14           a computer, computer system, or computer network.  
 15           "Computer network" means the interconnection of communication  
 16           lines or wireless telecommunications with a computer or wireless  
 17           telecommunication device through:  
 18           (1) remote terminals;  
 19           (2) a complex consisting of two (2) or more interconnected  
 20           computers; or  
 21           (3) a worldwide collection of interconnected networks operating  
 22           as the Internet.  
 23           "Computer system" means a set of related computer equipment,  
 24           software, or hardware.  
 25           "Hoarding program" means a computer program designed to bypass  
 26           or neutralize a security measure, access control system, or similar  
 27           system used by the owner of a computer network or computer system  
 28           to limit the amount of merchandise that one (1) person may purchase  
 29           by means of a computer network.  
 30           (b) A person who knowingly or intentionally accesses:  
 31           (1) a computer system;  
 32           (2) a computer network; or  
 33           (3) any part of a computer system or computer network;  
 34           without the consent of the owner of the computer system or computer  
 35           network, or the consent of the owner's licensee, commits computer  
 36           trespass, a Class A misdemeanor, **except as described in subsection**  
 37           **(e).**  
 38           (c) A person who knowingly or intentionally uses a hoarding  
 39           program to purchase merchandise by means of a computer network  
 40           commits computer merchandise hoarding, a Class A misdemeanor. It  
 41           is a defense to a prosecution under this subsection that the person used  
 42           the hoarding program with the permission of the person selling the



1 merchandise.

2 (d) A person who knowingly or intentionally sells, purchases, or  
3 distributes a hoarding program commits unlawful distribution of a  
4 hoarding program, a Class A misdemeanor. It is a defense to a  
5 prosecution under this subsection that the hoarding program was sold,  
6 purchased, or distributed for legitimate scientific or educational  
7 purposes.

8 **(e) The offense described in subsection (b) is a Level 6 felony if**  
9 **the person who commits the offense prevents the owner of the**  
10 **computer system from accessing the computer system, the**  
11 **computer network, or one (1) or more files located on the computer**  
12 **system or computer network.**

