



January 25, 2023

SENATE BILL No. 159

DIGEST OF SB 159 (Updated January 24, 2023 10:40 am - DI 140)

Citations Affected: IC 35-31.5; IC 35-43.

Synopsis: Computer trespass. Defines "financial information". Enhances the sentence of an offense against intellectual property to a Level 5 felony if the data, computer program, or supporting documentation that is modified, destroyed, or disclosed contains protected health information or financial information. Provides that an offense against computer users is a Level 5 felony if the computer, computer system, or computer network that is the subject of the unauthorized use contained an individual's protected health information or financial information. Provides that an offense of computer trespass is a Level 6 felony if the computer system, computer network, or any part of the computer system or computer network that was subject to the unauthorized use contained protected health information or financial information.

Effective: July 1, 2023.

Crider, Bohacek

January 9, 2023, read first time and referred to Committee on Corrections and Criminal Law.
January 24, 2023, reported favorably — Do Pass.

SB 159—LS 6645/DI 149



January 25, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 159

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 35-31.5-2-132.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 132.4. "Financial information",**
4 **for purposes of IC 35-43, means any nonpublic information that**
5 **relates to financial services provided to a person by a financial**
6 **institution. The term includes a:**
7 (1) **tax identification number;**
8 (2) **driver's license number;**
9 (3) **financial institution account number;**
10 (4) **credit or debit card number;**
11 (5) **security code, access code, password, or other information**
12 **required to access a credit card, debit card, or financial bank**
13 **account;**
14 (6) **financial statement or other document containing**
15 **transactional information from a financial institution; and**
16 (7) **financial statement or other document containing**
17 **transactional information, an account number, or other**

SB 159—LS 6645/DI 149



- 1 **nonpublic information related to an investment account,**
 2 **retirement account, pension, or brokerage account.**
 3 SECTION 2. IC 35-43-1-7, AS AMENDED BY P.L.168-2014,
 4 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 7. **(a)** A person who knowingly or intentionally
 6 and who without authorization:
 7 (1) modifies data, a computer program, or supporting
 8 documentation;
 9 (2) destroys data, a computer program, or supporting
 10 documentation; or
 11 (3) discloses or takes data, a computer program, or supporting
 12 documentation that is:
 13 (A) a trade secret (as defined in IC 24-2-3-2); or
 14 (B) otherwise confidential as provided by law;
 15 and that resides or exists internally or externally on a computer,
 16 computer system, or computer network, commits an offense against
 17 intellectual property, a Level 6 felony.
 18 **(b) However, the offense is a Level 5 felony if the data, computer**
 19 **program, or supporting documentation that is modified, destroyed,**
 20 **or disclosed contains:**
 21 **(1) protected health information (as defined in IC 16-39-10-3);**
 22 **or**
 23 **(2) financial information.**
 24 SECTION 3. IC 35-43-1-8, AS AMENDED BY P.L.153-2017,
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2023]: Sec. 8. (a) A person who knowingly or intentionally
 27 and who without authorization:
 28 (1) disrupts, denies, or causes the disruption or denial of computer
 29 system services to an authorized user of the computer system
 30 services that are:
 31 (A) owned by;
 32 (B) under contract to; or
 33 (C) operated for, on behalf of, or in conjunction with;
 34 another person in whole or part;
 35 (2) destroys, takes, or damages equipment or supplies used or
 36 intended to be used in a computer, computer system, or computer
 37 network;
 38 (3) destroys or damages a computer, computer system, or
 39 computer network; or
 40 (4) introduces a computer contaminant into a computer, computer
 41 system, or computer network;
 42 commits an offense against computer users, a Level 6 felony.



- 1 (b) However, the offense is:
 2 (1) a Level 5 felony if:
 3 (A) the pecuniary loss caused by the offense is at least seven
 4 hundred fifty dollars (\$750) but less than fifty thousand dollars
 5 (\$50,000);
 6 (B) the offense was committed for the purpose of devising or
 7 executing any scheme or artifice to defraud or obtain property;
 8 or
 9 (C) the offense interrupts or impairs:
 10 (i) a governmental operation; or
 11 (ii) the public communication, transportation, or supply of
 12 water, gas, or another public service; and or
 13 **(D) if the computer, computer system, or computer**
 14 **network that is the subject of the unauthorized use**
 15 **contained an individual's:**
 16 **(i) protected health information (as defined in**
 17 **IC 16-39-10-3); or**
 18 **(ii) financial information; and**
 19 (2) a Level 4 felony if:
 20 (A) the pecuniary loss caused by the offense is at least fifty
 21 thousand dollars (\$50,000); or
 22 (B) the offense endangers human life.
 23 (c) In addition to any criminal penalties imposed for a violation of
 24 this section, a person who commits an offense described in subsection
 25 (b) commits a deceptive act that is actionable by the attorney general
 26 under IC 24-5-0.5 and is subject to the remedies and penalties under
 27 IC 24-5-0.5.
 28 SECTION 4. IC 35-43-2-3, AS AMENDED BY P.L.32-2019,
 29 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2023]: Sec. 3. (a) As used in this section:
 31 "Access" means to:
 32 (1) approach;
 33 (2) instruct;
 34 (3) communicate with;
 35 (4) store data in;
 36 (5) retrieve data from; or
 37 (6) make use of resources of;
 38 a computer, computer system, or computer network.
 39 "Computer network" means the interconnection of communication
 40 lines or wireless telecommunications with a computer or wireless
 41 telecommunication device through:
 42 (1) remote terminals;



- 1 (2) a complex consisting of two (2) or more interconnected
 2 computers; or
 3 (3) a worldwide collection of interconnected networks operating
 4 as the Internet.
- 5 "Computer system" means a set of related computer equipment,
 6 software, or hardware.
- 7 "Hoarding program" means a computer program designed to bypass
 8 or neutralize a security measure, access control system, or similar
 9 system used by the owner of a computer network or computer system
 10 to limit the amount of merchandise that one (1) person may purchase
 11 by means of a computer network.
- 12 (b) **Except as provided in subsection (c)**, a person who knowingly
 13 or intentionally accesses:
 14 (1) a computer system;
 15 (2) a computer network; or
 16 (3) any part of a computer system or computer network;
 17 without the consent of the owner of the computer system or computer
 18 network, or the consent of the owner's licensee, commits computer
 19 trespass, a Class A misdemeanor.
- 20 (c) **An offense under subsection (b) is a Level 6 felony if the**
 21 **computer system, computer network, or any part of the computer**
 22 **system or computer network that was subject to the unauthorized**
 23 **use contained:**
 24 (1) **protected health information (as defined in IC 16-39-10-3);**
 25 **or**
 26 (2) **financial information.**
- 27 (d) A person who knowingly or intentionally uses a hoarding
 28 program to purchase merchandise by means of a computer network
 29 commits computer merchandise hoarding, a Class C infraction. A
 30 person commits a separate infraction for each item of merchandise
 31 purchased. However, the violation is a Class A misdemeanor if the
 32 person has a prior unrelated adjudication or conviction for a violation
 33 of this section within the previous five (5) years. It is a defense to a
 34 prosecution under this subsection that the person used the hoarding
 35 program with the permission of the person selling the merchandise.
- 36 (e) A person who knowingly or intentionally sells, purchases, or
 37 distributes a hoarding program commits unlawful distribution of a
 38 hoarding program, a Class C infraction. A person commits a separate
 39 infraction for each sale, purchase, or distribution of a hoarding
 40 program. However, the violation is a Class C misdemeanor if the
 41 person has a prior unrelated adjudication or conviction for a violation
 42 of this section within the previous five (5) years. It is a defense to a



1 prosecution under this subsection that the hoarding program was sold,
2 purchased, or distributed for legitimate scientific or educational
3 purposes.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 159 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 1

