HOUSE BILL 215

E1 HB 211/19 – JUD CF SB 30

By: Delegates Barron and W. Fisher

Introduced and read first time: January 16, 2020

Assigned to: Judiciary

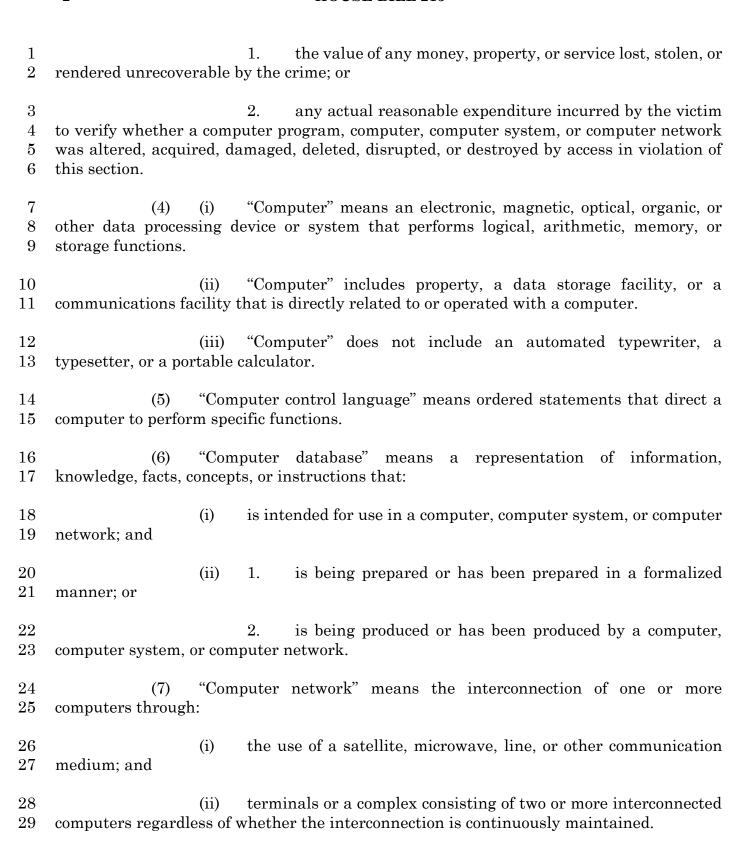
A BILL ENTITLED

1 AN ACT concerning 2 Criminal Law - Crimes Involving Computers - Ransomware 3 FOR the purpose of prohibiting a person from knowingly possessing certain ransomware 4 with the intent to use that ransomware for a certain purpose; creating a certain 5 exception; establishing a certain penalty; providing for the application of this Act; defining a certain term; and generally relating to crimes involving computers. 6 7 BY repealing and reenacting, with amendments, 8 Article – Criminal Law 9 Section 7–302 10 Annotated Code of Maryland 11 (2012 Replacement Volume and 2019 Supplement) 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. 13 That the Laws of Maryland read as follows: 14 Article - Criminal Law 7 - 302. 15 16 (a) (1) In this section the following words have the meanings indicated. "Access" means to instruct, communicate with, store data in, retrieve or 17 (2)18 intercept data from, or otherwise use the resources of a computer program, computer 19 system, or computer network. 20 (3)"Aggregate amount" means a direct loss of property or services (i) 21incurred by a victim. 22"Aggregate amount" includes: (ii)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

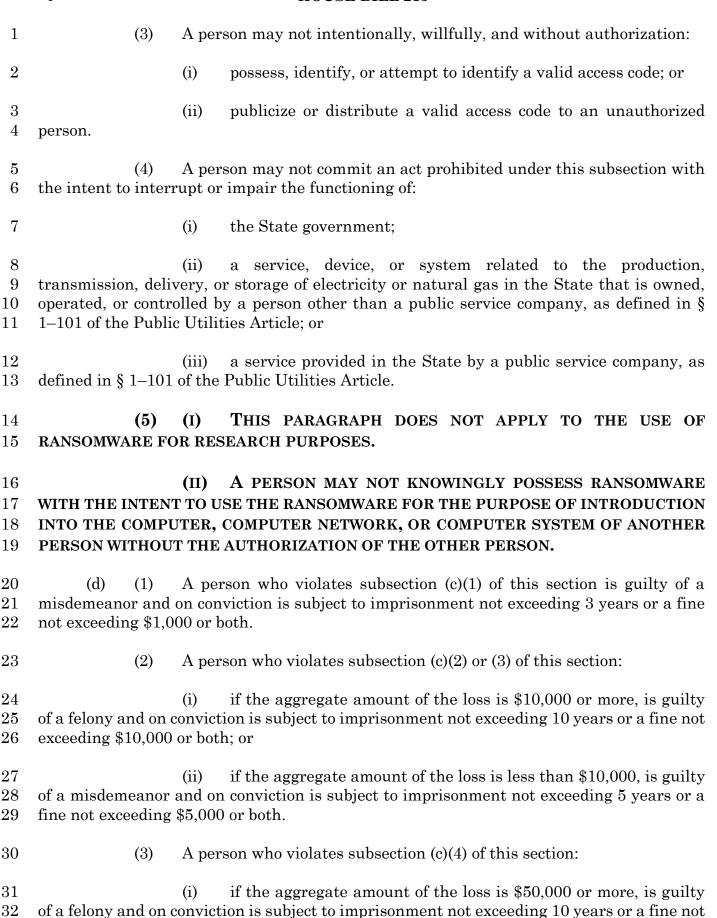
[Brackets] indicate matter deleted from existing law.





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

- $1 \hspace{1cm} \hbox{(9)} \hspace{1cm} \hbox{``Computer services''} includes computer time, data processing, and 2 storage functions.}$
- 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 computers, peripheral devices, computer software, data, or computer programs.
- 7 (12) "RANSOMWARE" MEANS A COMPUTER OR DATA CONTAMINANT, 8 ENCRYPTION, OR LOCK THAT:
- 9 (I) IS PLACED OR INTRODUCED WITHOUT AUTHORIZATION 10 INTO A COMPUTER, A COMPUTER NETWORK, OR A COMPUTER SYSTEM; AND
- 11 (II) RESTRICTS ACCESS BY AN AUTHORIZED PERSON TO A
- 12 COMPUTER, COMPUTER DATA, A COMPUTER NETWORK, OR A COMPUTER SYSTEM IN 13 A MANNER THAT RESULTS IN THE PERSON RESPONSIBLE FOR THE PLACEMENT OR
- 14 INTRODUCTION OF THE CONTAMINANT, ENCRYPTION, OR LOCK DEMANDING
- 14 INTRODUCTION OF THE CONTAMINANT, ENCRITTION, OR LOCK DEMANDING
- 15 PAYMENT OF MONEY OR OTHER CONSIDERATION TO REMOVE THE CONTAMINANT,
- 16 ENCRYPTION, OR LOCK.
- 17 (b) This section does not preclude the applicability of any other provision of this 18 Code.
- 19 (c) (1) A person may not intentionally, willfully, and without authorization:
- 20 (i) access, attempt to access, cause to be accessed, or exceed the 21 person's authorized access to all or part of a computer network, computer control language,
- 22 computer, computer software, computer system, computer service, or computer database;
- 23 or
- 24 (ii) copy, attempt to copy, possess, or attempt to possess the contents 25 of all or part of a computer database accessed in violation of item (i) of this paragraph.
- 26 (2) A person may not commit an act prohibited by paragraph (1) of this 27 subsection with the intent to:
- 28 (i) cause the malfunction or interrupt the operation of all or any part 29 of a computer, computer network, computer control language, computer software, computer 30 system, computer service, or computer data; or
- 31 (ii) alter, damage, or destroy all or any part of data or a computer 32 program stored, maintained, or produced by a computer, computer network, computer 33 software, computer system, computer service, or computer database.



- exceeding \$25,000 or both; or

 (ii) if the aggregate amount of the loss is less than \$50,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$25,000 or both.
- 5 (4) A PERSON WHO VIOLATES SUBSECTION (C)(5) OF THIS SECTION IS 6 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT 7 NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 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 section in any county in this State where:
- 12 (1) the defendant performed the act; or
- 13 (2) the accessed computer is located.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.