E1, D3 9lr2037 CF SB 151

By: Delegates Barron and W. Fisher

Introduced and read first time: January 23, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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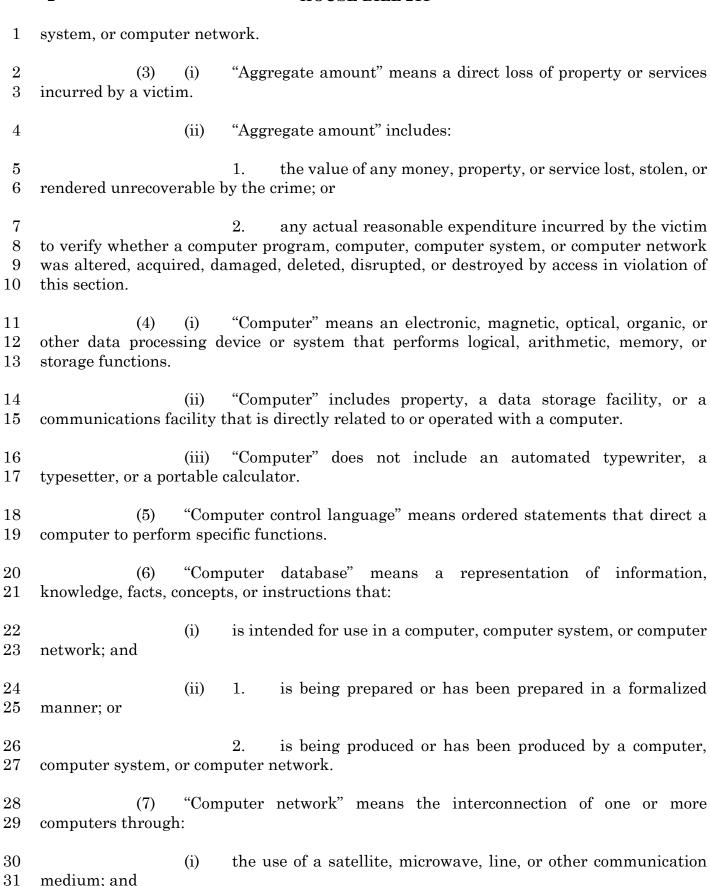
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- 3 FOR the purpose of prohibiting a person from committing a certain prohibited act with the 4 intent to interrupt or impair the functioning of a certain health care facility; 5 prohibiting a person from knowingly possessing certain ransomware with the intent 6 to use that ransomware for a certain purpose; creating a certain exception; altering 7 and establishing certain penalties; authorizing a victim of a certain offense to bring 8 a civil action for damages against a certain person; providing for the recovery of 9 certain attorney's fees and court costs in an action brought under this Act; establishing that a certain criminal conviction is not a prerequisite for maintenance 10 11 of an action under this Act; providing for the application of this Act; defining a certain 12 term; and generally relating to crimes involving computers.
- 13 BY repealing and reenacting, with amendments,
- 14 Article Criminal Law
- 15 Section 7–302
- 16 Annotated Code of Maryland
- 17 (2012 Replacement Volume and 2018 Supplement)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 19 That the Laws of Maryland read as follows:
- 20 Article Criminal Law
- 21 7-302.
- (a) (1) In this section the following words have the meanings indicated.
- 23 (2) "Access" means to instruct, communicate with, store data in, retrieve or 24 intercept data from, or otherwise use the resources of a computer program, computer



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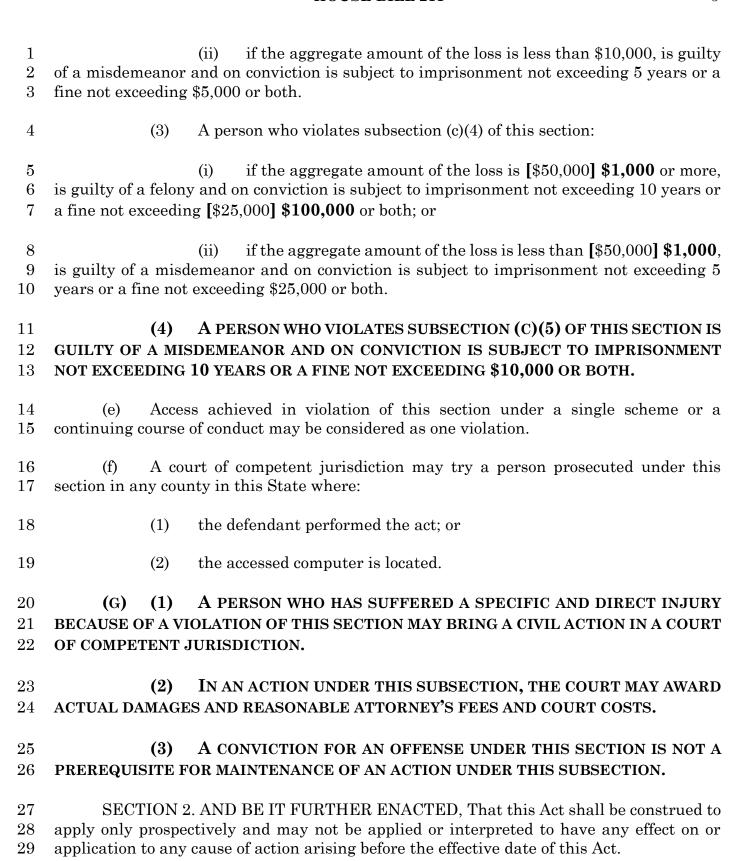
(ii)



terminals or a complex consisting of two or more interconnected

- 1 computers regardless of whether the interconnection is continuously maintained.
- 2 (8) "Computer program" means an ordered set of instructions or 3 statements that may interact with related data and, when executed in a computer system,
- 4 causes a computer to perform specified functions.
- 5 (9) "Computer services" includes computer time, data processing, and 6 storage functions.
- 7 (10) "Computer software" means a computer program, instruction, 8 procedure, or associated document regarding the operation of a computer system.
- 9 (11) "Computer system" means one or more connected or unconnected 10 computers, peripheral devices, computer software, data, or computer programs.
- 11 (12) "RANSOMWARE" MEANS A COMPUTER OR DATA CONTAMINANT, 12 ENCRYPTION, OR LOCK THAT:
- 13 (I) IS PLACED OR INTRODUCED WITHOUT AUTHORIZATION 14 INTO A COMPUTER, A COMPUTER NETWORK, OR A COMPUTER SYSTEM; AND
- 15 (II) RESTRICTS ACCESS BY AN AUTHORIZED PERSON TO A COMPUTER, COMPUTER DATA, A COMPUTER NETWORK, OR A COMPUTER SYSTEM IN
- 17 A MANNER THAT RESULTS IN THE PERSON RESPONSIBLE FOR THE PLACEMENT OR
- 18 INTRODUCTION OF THE CONTAMINANT, ENCRYPTION, OR LOCK DEMANDING
- 19 PAYMENT OF MONEY OR OTHER CONSIDERATION TO REMOVE THE CONTAMINANT,
- 20 ENCRYPTION, OR LOCK.
- 21 (b) This section does not preclude the applicability of any other provision of this 22 Code.
- 23 (c) (1) A person may not intentionally, willfully, and without authorization:
- 24 (i) access, attempt to access, cause to be accessed, or exceed the
- 25 person's authorized access to all or part of a computer network, computer control language,
- 26 computer, computer software, computer system, computer service, or computer database;
- 27 or
- 28 (ii) copy, attempt to copy, possess, or attempt to possess the contents 29 of all or part of a computer database accessed in violation of item (i) of this paragraph.
- 30 (2) A person may not commit an act prohibited by paragraph (1) of this 31 subsection with the intent to:
- 32 (i) cause the malfunction or interrupt the operation of all or any part 33 of a computer, computer network, computer control language, computer software, computer

- 1 system, computer service, or computer data; or 2 alter, damage, or destroy all or any part of data or a computer (ii) 3 program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer service, or computer database. 4 5 (3) A person may not intentionally, willfully, and without authorization: 6 possess, identify, or attempt to identify a valid access code; or (i) 7 (ii) publicize or distribute a valid access code to an unauthorized 8 person. 9 A person may not commit an act prohibited under this subsection with **(4)** the intent to interrupt or impair the functioning of: 10 11 (i) the State government; 12 a service, device, or system related to the production, (ii) 13 transmission, delivery, or storage of electricity or natural gas in the State that is owned, operated, or controlled by a person other than a public service company, as defined in § 14 1–101 of the Public Utilities Article; [or] 15 16 a service provided in the State by a public service company, as (iii) defined in § 1–101 of the Public Utilities Article; OR 17 18 (IV) A HEALTH CARE FACILITY, AS DEFINED IN § 18–338.1 OF THE HEALTH - GENERAL ARTICLE. 19 20 **(5)** (I)THIS PARAGRAPH DOES NOT APPLY TO THE USE OF 21RANSOMWARE FOR RESEARCH PURPOSES. 22 (II) A PERSON MAY NOT KNOWINGLY POSSESS RANSOMWARE 23WITH THE INTENT TO USE THE RANSOMWARE FOR THE PURPOSE OF INTRODUCTION 24INTO THE COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM OF ANOTHER 25PERSON WITHOUT THE AUTHORIZATION OF THE OTHER PERSON. 26 (d) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine 27 28not exceeding \$1,000 or both. 29 (2) A person who violates subsection (c)(2) or (3) of this section:
- 30 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty 31 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not 32 exceeding \$10,000 or both; or



SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.