E1 7lr0360 CF 7lr2262

By: Delegates Barron, Morgan, and B. Wilson

Introduced and read first time: January 25, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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(Criminal	l Law –	Extortion	- Unaut	horized	l Software
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3 FOR the purpose of prohibiting the creation of or unauthorized introduction into a computer, computer system, or computer network of software designed to inhibit 4 5 access or use by an authorized user of a computer, computer system, or computer 6 network for the purpose of extorting money, property, or anything of value from 7 another; establishing a certain penalty; authorizing a victim of a certain offense to 8 bring a civil action for damages against a certain person; providing for the recovery 9 of 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; defining certain terms; and generally relating to 12 extortion.

- 13 BY adding to
- 14 Article Criminal Law
- 15 Section 3–709
- 16 Annotated Code of Maryland
- 17 (2012 Replacement Volume and 2016 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 **3-709.**
- 22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
- 23 INDICATED.

- 1 (2) "ACCESS" MEANS TO INSTRUCT, COMMUNICATE WITH, STORE
- 2 DATA IN, RETRIEVE OR INTERCEPT DATA FROM, OR OTHERWISE USE THE
- 3 RESOURCES OF A COMPUTER PROGRAM, COMPUTER SYSTEM, OR COMPUTER
- 4 NETWORK.
- 5 (3) (I) "COMPUTER" MEANS AN ELECTRONIC, A MAGNETIC, AN
- 6 OPTICAL, AN ORGANIC, OR ANY OTHER DATA PROCESSING DEVICE OR SYSTEM THAT
- 7 PERFORMS LOGICAL, ARITHMETIC, MEMORY, OR STORAGE FUNCTIONS.
- 8 (II) "COMPUTER" INCLUDES PROPERTY, A DATA STORAGE
- 9 FACILITY, OR A COMMUNICATIONS FACILITY THAT IS DIRECTLY RELATED TO OR
- 10 OPERATED WITH A COMPUTER.
- 11 (III) "COMPUTER" DOES NOT INCLUDE AN AUTOMATED
- 12 TYPEWRITER, A TYPESETTER, OR A PORTABLE CALCULATOR.
- 13 (4) "COMPUTER NETWORK" MEANS THE INTERCONNECTION OF ONE
- 14 OR MORE COMPUTERS THROUGH:
- 15 (I) THE USE OF A SATELLITE, A MICROWAVE, A LINE, OR ANY
- 16 OTHER COMMUNICATION MEDIUM; AND
- 17 (II) TERMINALS OR A COMPLEX CONSISTING OF TWO OR MORE
- 18 INTERCONNECTED COMPUTERS REGARDLESS OF WHETHER THE
- 19 INTERCONNECTION IS CONTINUOUSLY MAINTAINED.
- 20 (5) "COMPUTER PROGRAM" MEANS AN ORDERED SET OF
- 21 INSTRUCTIONS OR STATEMENTS THAT MAY INTERACT WITH RELATED DATA AND,
- 22 WHEN EXECUTED IN A COMPUTER SYSTEM, CAUSES A COMPUTER TO PERFORM
- 23 SPECIFIED FUNCTIONS.
- 24 (6) "COMPUTER SYSTEM" MEANS ONE OR MORE CONNECTED OR
- 25 UNCONNECTED COMPUTERS, PERIPHERAL DEVICES, COMPUTER SOFTWARE, DATA,
- 26 OR COMPUTER PROGRAMS.
- 27 (7) "SOFTWARE" MEANS A COMPUTER PROGRAM, AN INSTRUCTION, A
- 28 PROCEDURE, OR AN ASSOCIATED DOCUMENT REGARDING THE OPERATION OF A
- 29 COMPUTER SYSTEM.
- 30 (B) A PERSON, WITH THE INTENT TO UNLAWFULLY EXTORT MONEY,
- 31 PROPERTY, OR ANYTHING OF VALUE FROM ANOTHER, MAY NOT KNOWINGLY
- 32 CREATE, PLACE, OR INTRODUCE WITHOUT AUTHORIZATION INTO A COMPUTER,
- 33 COMPUTER SYSTEM, OR COMPUTER NETWORK, SOFTWARE THAT IS DESIGNED TO

- 1 ENCRYPT, LOCK, OR OTHERWISE RESTRICT ACCESS OR USE IN ANY WAY BY AN
- 2 AUTHORIZED USER OF THE COMPUTER, COMPUTER SYSTEM, OR COMPUTER
- 3 **NETWORK.**
- 4 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND
- 5 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A
- 6 FINE NOT EXCEEDING \$10,000 OR BOTH.
- 7 (D) (1) A PERSON WHO HAS SUFFERED A SPECIFIC AND DIRECT INJURY
- 8 BECAUSE OF A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION IN A COURT
- 9 OF COMPETENT JURISDICTION.
- 10 (2) IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY AWARD
- 11 ACTUAL DAMAGES AND REASONABLE ATTORNEY'S FEES AND COURT COSTS.
- 12 (3) A CONVICTION FOR AN OFFENSE UNDER THIS SECTION IS NOT A
- 13 PREREQUISITE FOR MAINTENANCE OF AN ACTION UNDER THIS SUBSECTION.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 15 October 1, 2017.