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SENATE BILL NO. 275

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 4, 2004)

(Patron Prior to Substitute—Senator Devolites)

A *BILL* to amend the Code of Virginia by adding a section numbered 18.2-152.4.1, relating to computer crimes; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-152.4.1 as follows:

§ 18.2-152.4.1. *Computer trespass by means of a computer virus; penalty.*

A. *It shall be unlawful for any person to knowingly and maliciously insert a computer virus into a computer, computer program, computer software, or computer network of another without the knowledge and permission of the owner of that computer, computer program, computer software or computer network.*

B. *For the purpose of this section, "computer virus" means a computer program or other set of instructions that is designed to degrade the performance of, or to disable a computer or computer network and to have the ability to replicate itself on other computers or computer networks without authority of the owners of such computers or computer networks.*

C. *Any person who violates this section shall be guilty of computer trespass by means of a computer virus, which offense shall be punishable as a Class 1 misdemeanor.*

D. *Nothing in this section shall be construed to interfere with or prohibit terms or conditions in a contract or license related to computers, computer data, computer networks, computer operations, computer programs, computer services, or computer software or to create any liability by reason of terms or conditions adopted by, or technical measures implemented by an electronic mail service provider to prevent the transmission of unsolicited electronic mail in violation of this article. Nothing in this section shall be construed to prohibit the monitoring of computer usage of, the otherwise lawful copying of data of, or the denial of computer or Internet access to a minor by a parent or legal guardian of the minor.*