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## HOUSE JOINT RESOLUTION NO. 89

Offered January 19, 1996

*Establishing a joint subcommittee to determine the adequacy of the Commonwealth's criminal and civil procedure statutes, rules, and regulations to address commerce and crime on the information superhighway.*

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Patrons—Marshall, Cox, Jones, J.C., Nixon and O'Brien

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Referred to Committee on Rules

WHEREAS, the advent of high technology has resulted in the high-speed transmission and processing of digitized information through national and international datalinks popularly known as the information superhighway; and

WHEREAS, while data transmission via the Internet has enjoyed explosive growth because of its numerous benefits to commerce, academia, and popular culture, recent reports of criminal investigations of child pornography distribution by computer and business fraud via computer underscore the Internet's attractiveness to the criminal community as well; and

WHEREAS, the national and international character of Internet transmissions present significant legal challenges to the Commonwealth's law enforcement officials and its judiciary when called upon to enforce the Commonwealth's criminal laws against both residents and nonresidents of the Commonwealth who commit crimes via computer and whose victims are citizens of the Commonwealth; and

WHEREAS, such challenges, including resolving fundamental issues of jurisdiction, venue, conflicts of laws, etc., have their civil counterparts in disputes between citizens of Virginia and those of other states who are parties to business transactions consummated in cyberspace; and

WHEREAS, the Commonwealth's statutes, regulations, and rules of civil and criminal procedure may be inadequate to address these legal issues arising out of commerce and crime on the Internet; now therefore, be it

RESOLVED, by the House of Delegates, the Senate concurring, That a joint subcommittee be established to review the Commonwealth's statutes, regulations, and rules governing criminal and civil procedure to determine whether current law is sufficient to ensure enforcement of the Commonwealth's criminal and civil laws against both residents and nonresidents of the Commonwealth whose activities in Virginia are conducted principally by computer on the information superhighway. The joint subcommittee shall consist of seven members to be appointed as follows: four members of the House of Delegates, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$3,150.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Supreme Court of Virginia, relevant committees of the Virginia State Bar, the Office of the Attorney General, and the Department of Information Technology. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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