

# 1997 SESSION

INTRODUCED

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## HOUSE BILL NO. 168

Offered January 10, 1996

*A BILL to amend and reenact § 18.2-152.4 of the Code of Virginia, relating to computer trespass; penalty.*

Patrons—May, Albo, Almand, Brickley, Callahan, Cantor, Fisher, Howell, Ingram, McClure, Moran, Nixon, Spruill and Watts; Senators: Gartlan and Saslaw

Referred to Committee for Courts of Justice

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 18.2-152.4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-152.4. Computer trespass; penalty.

~~Any~~ A. A person ~~who~~ shall be guilty of the crime of computer trespass if he uses a computer or computer network without authority and with the intent to, or with reckless disregard of, a substantial and unjustifiable risk that such unauthorized use will:

1. Temporarily or permanently remove computer data, computer programs, or computer software from a computer or computer network;

2. Cause a computer to malfunction regardless of how long the malfunction persists;

3. Alter or erase any computer data, computer programs, or computer software;

4. Effect the creation or alteration of a financial instrument or of an electronic transfer of funds; or

5. ~~Cause physical injury to the property of another; or~~

6. Make or cause to be made an unauthorized copy, in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network shall be guilty of the crime of computer trespass, which shall be punishable as a Class 1 misdemeanor.

*Computer trespass shall be punishable as a Class 1 misdemeanor.*

B. If such act is done maliciously and the value of the property damaged is \$2,500 or more causes loss or property damage to one or more persons of a value aggregating \$1,000 or more during any one-year period, the offense shall be punishable as a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0.

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