

982359340

HOUSE BILL NO. 275

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on March 8, 1998)

(Patron Prior to Substitute—Delegate May)

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

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:

1. Temporarily or permanently remove, halt, or otherwise disable any 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;

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.

Computer trespass shall be punishable as a ~~Class 4~~ Class 3 misdemeanor. If such act is done maliciously and the value of the property damaged is \$2,500 or more, the offense shall be punishable as a Class 6 felony. If there is damage to the property of another valued at \$2,500 or more caused by such person's reckless disregard for the consequences of his act in violation of this section, the offense shall be punished as a Class 1 misdemeanor. If there is damage to the property of another valued at \$2,500 or more caused by such person's malicious act in violation of this section, the offense shall be punishable as a Class 6 felony.

B. 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.

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.