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SENATE BILL NO. 227

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Mims

on February 6, 1998)

(Patron Prior to Substitute—Senator Trumbo)

A BILL to amend and reenact § 18.2-152.5 of the Code of Virginia, relating to computer invasion of privacy; definition.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-152.5 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-152.5. Computer invasion of privacy.

A. A person is guilty of the crime of computer invasion of privacy when he uses a computer or computer network and intentionally examines without authority any employment, salary, credit or any other financial or personal information relating to any other person. "Examination" under this section requires the offender to review the information relating to any other person after the time at which the offender knows or should know that he is without authority to view the information displayed.

"Without authority" means that the offender (i) knows or reasonably should know that the information is not generally accessible by the public or (ii) has been informed that he may not access the information.

"Financial or personal information" includes, but is not limited to, information that a person could reasonably expect would be private which describes, locates or indexes anything about that person including his real or personal property holdings derived from tax returns, and his education, financial transactions, medical history, ancestry, religion, political ideology, or criminal or employment record, or that affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individual; and the record of his presence, registration, or membership in an organization or activity, or admission to an institution. The term does not include routine information maintained for the purpose of internal office administration whose use could not be such as to affect adversely any data subject nor does the term include real estate assessment information.

B. The crime of computer invasion of privacy shall be punishable as a Class 3 misdemeanor.