

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 822

Short Title: Amend Computer Crime Act.

(Public)

Sponsors: Representative Hensley.

Referred to: Judiciary III.

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS REGARDING COMPUTER-RELATED CRIME.

The General Assembly of North Carolina enacts:

Section 1. Article 60 of Chapter 14 of the General Statutes reads as rewritten:

"ARTICLE 60.

"COMPUTER-RELATED CRIME."

"§ 14-453. Definitions.

As used in this ~~section~~, Article, unless the context clearly requires otherwise, the following terms have the meanings specified:

- (1) 'Access' means to ~~approach~~, instruct, communicate with, cause input, cause output, cause data processing, or otherwise make use of any resources of a computer, ~~computer system~~ computer system, or computer network.
- (1a) 'Authorization' means having the consent or permission of the owner, or of the person licensed or authorized by the owner to grant consent or permission to access a computer, computer system, or computer network in a manner not exceeding the consent or permission.
- (2) 'Computer' means an internally programmed, automatic device that performs data processing.
- (3) 'Computer network' means the interconnection of communication systems with a computer through remote terminals, or a complex consisting of two or more interconnected computers.

- 1 (4) 'Computer program' means an ordered set of data that are coded
2 instructions or statements that when executed by a computer cause the
3 computer to process data.
- 4 (5) 'Computer software' means a set of computer programs, procedures
5 and associated documentation concerned with the operation of a
6 ~~computer system, computer, computer system, or computer network.~~
- 7 (6) 'Computer system' means a set of related, connected or unconnected
8 computer equipment and devices, at least one computer together with a
9 set of related, connected, or unconnected peripheral devices.
- 10 (6a) 'Data' means a representation of information, facts, knowledge,
11 concepts, or instructions prepared in a formalized or other manner and
12 intended for use in a computer, computer system, or computer
13 network. Data may be embodied in any form, including computer
14 printouts, magnetic storage media, and punch cards, or may be stored
15 internally in the memory of a computer.
- 16 (7) 'Financial ~~statement~~-instrument' includes ~~but is not limited to~~ any check,
17 draft, money order, certificate of deposit, letter of credit, bill of
18 exchange, credit card ~~of [or] or~~ marketable security, or any electronic
19 data processing representation thereof.
- 20 (8) 'Property' includes ~~but is not limited to,~~ financial instruments,
21 information, including electronically processed or produced data, and
22 computer software and computer programs in either machine or human
23 readable form, and any other tangible or intangible item of value.
- 24 (8a) 'Resource' includes peripheral devices, computer software, computer
25 programs, and data, and means to be a part of a computer, computer
26 system, or computer network.
- 27 (9) 'Services' ~~includes, but is not limited to,~~ includes computer time, data
28 processing and storage functions.

29 **"§ 14-454. Accessing computers.**

- 30 (a) A person is guilty of a Class H felony if he willfully, directly or indirectly,
31 accesses or causes to be accessed any computer, computer system, ~~or computer network,~~
32 ~~or any part thereof,~~ network for the purpose of:
- 33 (1) Devising or executing any scheme or artifice to defraud, unless the
34 object of the scheme or artifice is to obtain educational testing
35 material, a false educational testing score, or a false academic or
36 vocational grade, or
- 37 (2) Obtaining property or services other than educational testing material,
38 a false educational testing score, or a false academic or vocational
39 grade for himself or another, by means of false or fraudulent pretenses,
40 representations or promises.
- 41 (b) Any person who willfully and without authorization, directly or indirectly,
42 accesses or causes to be accessed any computer, computer system, ~~or computer network,~~
43 ~~or any part thereof,~~ network for any purpose other than those set forth in subsection (a)
44 above, is guilty of a misdemeanor.

1 (c) For the purpose of this section, the term 'accessing or causing to be accessed'
2 includes introducing, directly or indirectly, a computer program (including a self-
3 replicating or a self-propagating computer program), into a computer, computer system,
4 or computer network.

5 **"§ 14-455. Damaging computers and related materials. computers, computer systems,**
6 **computer networks, and resources.**

7 (a) A person is guilty of a Class H felony if he willfully and without
8 authorization alters, damages or destroys a computer, computer system, computer network,
9 ~~or any part thereof.~~ destroys:

10 (1) A computer, computer system, or computer network; or

11 (2) Any computer software, computer program, or data residing or
12 existing internal or external to a computer, computer system, or
13 computer network.

14 (b) ~~A person is guilty of a misdemeanor if he willfully and without authorization~~
15 ~~alters, damages, or destroys any computer software, program or data residing or existing~~
16 ~~internal or external to a computer, computer system or computer network.~~

17 (c) This section applies to damage or destruction effectuated by introducing,
18 directly or indirectly, a computer program (including a self-replicating or a self-
19 propagating computer program), into a computer, computer system, or computer
20 network.

21 **"§ 14-456. Denial of computer services to an authorized user.**

22 (a) Any person who willfully and without authorization denies or causes the
23 denial of ~~computer system services to an authorized user of such computer system services, is~~
24 ~~guilty of a misdemeanor.~~ computer, computer system, or computer network services to an
25 authorized user of the computer, computer system, or computer network services is
26 guilty of a Class H felony.

27 (b) This section also applies to denial of services effectuated by introducing,
28 directly or indirectly, a computer program (including a self-replicating or a self-
29 propagating computer program), into a computer, computer system, or computer
30 network.

31 **"§ 14-457. Extortion.**

32 Any person who verbally or by a written or printed communication, maliciously
33 threatens to commit an act described in G.S. 14-455 with the intent to extort money or
34 any pecuniary advantage, or with the intent to compel any person to do or refrain from
35 doing any act against his will, is guilty of a Class H felony.

36 **"§ 14-458. Civil remedy.**

37 In addition to any other civil remedy available, the owner or lessee of the computer,
38 computer system, computer network, computer software, computer program, or data
39 may bring a civil action against any person convicted under this Article for
40 compensatory damages, including any expenditure reasonably and necessarily incurred
41 by the owner or lessee to verify that a computer, computer system, computer network,
42 computer software, computer program, or data was or was not accessed, altered,
43 damaged, or destroyed. For the purpose of actions authorized by this section and
44 notwithstanding any limitation contained in G.S. 1-538.1, the conduct of an

1 unemancipated minor shall be imputed to the parent or legal guardian having control or
2 custody of the minor.

3 In any action brought pursuant to this section, the court may award reasonable
4 attorneys' fees to the prevailing party."

5 Sec. 2. This act becomes effective December 1, 1993, and applies to offenses
6 committed on or after that date.