

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Introduced By: Senators Lombardi, Archambault, Conley, Algiere, and Nesselbush

Date Introduced: March 03, 2015

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

SECTION 1. Section 11-52-1 of the General Laws in Chapter 11-52 entitled "Computer Crime" is hereby amended to read as follows:

**11-52-1. Definitions. --** As used in this chapter:

(1) "Access" means to approach, instruct, communicate with, store data in, enter data in, retrieve data from, or otherwise make use of any resources of, a computer, computer system, or computer network.

(2) "Computer" means an electronic, magnetic, optical, hydraulic or organic device or group of devices which, pursuant to a computer program, to human instruction, or to permanent instructions contained in the device or group of devices, can automatically perform computer operations with or on computer data and can communicate the results to another computer or to a person. The term "computer" includes any connected or directly related device, equipment, or facility which enables the computer to store, retrieve or communicate computer programs, computer data or the results of computer operations to or from a person, another computer or another device.

(3) "Computer data" means any representation of information, knowledge, facts, concepts, or instructions which is being prepared or has been prepared and is intended to be processed, is being processed, or has been processed in a computer or computer network. "Computer data" may be in any form, whether readable only by a computer or only by a human or by either, including, but not limited to, computer printouts, magnetic storage media, punched

1 cards, or data stored internally in the memory of the computer.

2 (4) "Computer network" means a set of related, remotely connected devices and any  
3 communications facilities including more than one computer with the capability to transmit data  
4 among them through the communications facilities.

5 (5) "Computer operation" means arithmetic, logical, monitoring, storage or retrieval  
6 functions and any combination of them, and includes, but is not limited to, communication with,  
7 storage of data to, or retrieval of data from any device or human hand manipulation of electronic  
8 or magnetic impulses. A "computer operation" for a particular computer may also be any function  
9 for which that computer was generally designed.

10 (6) "Computer program" means a series of instructions or statements or related data that,  
11 in actual or modified form, is capable of causing a computer or a computer system to perform  
12 specified functions in a form acceptable to a computer, which permits the functioning of a  
13 computer system in a manner designed to provide appropriate products from the computer  
14 systems.

15 (7) "Computer services" includes computer time or services, data processing services,  
16 Internet service providers' networks and facilities located in the state or information or data stored  
17 in connection with them.

18 (8) "Computer software" means a set of computer programs, procedures, and associated  
19 documentation concerned with the operation of a computer, computer program or computer  
20 network.

21 (9) "Computer system" means a set of related, connected or unconnected, computer  
22 equipment, devices, and software.

23 (10) "Confidential Information" means data that is protected from disclosure on the  
24 protected computer, computer program, computer system, or computer network and that the  
25 computer, computer program, computer system, or computer network does not transmit or  
26 disclose unless initiated by the owner of such protected computer, computer program, computer  
27 system, or computer network.

28 ~~(10)~~(11) "Data" means any representation of information, knowledge, facts, concepts, or  
29 instructions which are being prepared or have been prepared and are intended to be entered,  
30 processed, or stored, are being entered, processed, or stored or have been entered, processed, or  
31 stored in a computer, computer system, or computer network.

32 ~~(11)~~(12) "Electronic mail service provider" means any business or organization qualified  
33 to do business in the state of Rhode Island that provides registered users the ability to send or  
34 receive electronic mail through equipment located in this state and that is an intermediary in

1 sending or receiving electronic mail.

2 ~~(12)~~(13) "Financial instrument" includes, but is not limited to, any check, draft, warrant,  
3 money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card  
4 transaction authorization mechanism, marketable security, or any computerized representation of  
5 any of these.

6 ~~(13)~~(14) "Owner" means an owner or lessee of a computer or a computer network or an  
7 owner, lessee, or licensee of computer data, computer programs, or computer software.

8 ~~(14)~~(15) "Person" shall include any individual, partnership, association, corporation or  
9 joint venture.

10 ~~(15)~~(16) "Property" includes, but is not limited to:

11 (i) Real property;

12 (ii) Computers and computer networks;

13 (iii) Financial instruments, computer data, computer programs, computer software and  
14 all other personal property regardless of whether they are:

15 (A) Tangible or intangible;

16 (B) In a format readable by humans or by a computer;

17 (C) In transit between computers or within a computer network or between any devices  
18 which comprise a computer; or

19 (D) Located on any paper or in any device on which it is stored by a computer or by a  
20 human; and

21 (E) Computer services.

22 (iv) A person "uses" a computer or computer network when he or she:

23 (A) Attempts to cause or causes a computer or computer network to perform or to stop  
24 performing computer operations;

25 (B) Attempts to cause or causes the withholding or denial of the use of a computer,  
26 computer network, computer program, computer data or computer software to another user; or

27 (C) Attempts to cause or causes another person to put false information into a computer.

28 (v) A person is "without authority" when: (A) he or she has no right or permission of the  
29 owner to use a computer, or, he or she uses a computer in a manner exceeding his or her right or  
30 permission or (B) he or she uses an Internet service e-mail system offered by a Rhode Island  
31 based Internet service provider in contravention of the authority granted by or in violation of the  
32 policies set by the Internet service provider.

33 (vi) Transmission of electronic mail from an organization to its members shall not be  
34 deemed to be unsolicited bulk electronic mail.

1           ~~(16)~~(17) "Services" includes, but is not limited to, computer time, data processing, and  
2 storage functions.

3           ~~(17)~~(18) "Source document" means an original document or record which forms the basis  
4 of every electronic entry put into a computer, computer system, or computer network.

5           SECTION 2. Chapter 11-52 of the General Laws entitled "Computer Crime" is hereby  
6 amended by adding thereto the following section:

7           **11-52-3.1. Unauthorized access to confidential information. --** (a) Whoever  
8 intentionally, without authorization or in excess of one's authorization, directly or indirectly  
9 accesses a protected computer, computer program, computer system, or computer network with  
10 the intent to either view, contain, copy, or download any confidential information contained in or  
11 stored on such computer, computer program, computer system, or computer network, shall be  
12 guilty of a felony and shall be subject to the penalties set forth in § 11-52-5.

13           (b) Nothing in this section shall apply to any monitoring of, or interaction with, a  
14 subscriber's internet or other network connection or service, or a protected computer, by a  
15 telecommunications carrier, cable operator, computer hardware or software provider, or provider  
16 of information service or interactive computer service for network or computer security purposes,  
17 diagnostics, technical support, repair, advertising, authorized updates of software or system  
18 firmware, authorized remote system management, providing, operating, or improving a service  
19 used, requested, or authorized by an individual, or detection or prevention of the unauthorized use  
20 of or fraudulent or other illegal activities in connection with a network, service, or computer  
21 software.

22           SECTION 3. Nothing in this act may be construed to provide a basis for a private right of  
23 action against an interactive computer service, as defined in 47 U.S.C. 230 or a  
24 telecommunications carrier as used by another person to violate this act, for content provided by  
25 such person or by another information content provider.

26           SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would prohibit the unauthorized and intentional access of another's computer  
2   with the intent to view confidential information contained within. Those in violation would be  
3   guilty of a felony and subject to imprisonment for up to five (5) years, a fine of not more than five  
4   thousand dollars (\$5,000), or both.

5           This act would take effect upon passage.

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