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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Introduced By: Representatives Jackson, McNamara, Corvese, Noret, and Ackerman

Date Introduced: April 11, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-52-1 and 11-52-7.1 of the General Laws in Chapter 11-52
2 entitled "Computer Crime" are hereby amended to read as follows:

3 **11-52-1. Definitions.**

4 As used in this chapter:

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

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

16 (3) "Computer data" means any representation of information, knowledge, facts,
17 concepts, or instructions which is being prepared or has been prepared and is intended to be
18 processed, is being processed, or has been processed in a computer or computer network.
19 "Computer data" may be in any form, whether readable only by a computer or only by a human

1 or by either, including, but not limited to, computer printouts, magnetic storage media, punched
2 cards, or data stored internally in the memory of the computer.

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

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

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

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

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

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

24 (10) "Data" means any representation of information, knowledge, facts, concepts, or
25 instructions which are being prepared or have been prepared and are intended to be entered,
26 processed, or stored, are being entered, processed, or stored or have been entered, processed, or
27 stored in a computer, computer system, or computer network.

28 (11) "Electronic mail service provider" means any business or organization qualified to
29 do business in the state of Rhode Island that provides registered users the ability to send or
30 receive electronic mail through equipment located in this state and that is an intermediary in
31 sending or receiving electronic mail.

32 (12) "Financial instrument" includes, but is not limited to, any check, draft, warrant,
33 money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card
34 transaction authorization mechanism, marketable security, or any computerized representation of

1 any of these.

2 (13) "Owner" means an owner or lessee of a computer or a computer network or an
3 owner, lessee, or licensee of computer data, computer programs, or computer software.

4 (14) "Person" shall include any individual, partnership, association, corporation or joint
5 venture.

6 (15) "Property" includes, but is not limited to:

7 (i) Real property;

8 (ii) Computers and computer networks;

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

11 (A) Tangible or intangible;

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

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

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

17 (E) Computer services.

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

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

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

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

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

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

31 (16) "Services" includes, but is not limited to, computer time, data processing, and
32 storage functions.

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

1 [\(18\) "User account" means and includes any established relationship between a user and a](#)
2 [computer, network, website, or other information service.](#)

3 **11-52-7.1. Online impersonation.**

4 (a) Definitions, as used in this section:

5 (1) "Commercial social networking site" means a business, organization, or other similar
6 entity that operates a website and permits persons to become registered users for the purpose of
7 establishing personal relationships with other users through direct or real-time communication
8 with other users or the creation of web pages or profiles available to the public or to other users.

9 (2) "Electronic mail" means an electronic mail message sent through the use of an
10 electronic mail program or a message board program.

11 (3) "Identifying information" means information that alone, or in conjunction with other
12 information, identifies a person, including a person's:

13 (i) Name, social security number, date of birth, or government-issued identification
14 number;

15 (ii) Unique biometric data, including the person's fingerprint, voice print, or retina or iris
16 image;

17 (iii) Unique electronic identification number, electronic mail address, routing code, or
18 financial institution account number; and

19 (iv) Telecommunication identifying information or access device.

20 (4) "Public official" means a person elected by the public, or elected or appointed by a
21 governmental body, or an appointed official in the executive, legislative, or judicial branch of the
22 state or any political subdivision thereof.

23 (b) A person commits the crime of online impersonation if the person:

24 (1) Uses the name or persona of another person to create a web page on or to post one or
25 more messages on a commercial social networking site or sends an electronic mail, instant
26 message, text message, or similar communication without obtaining the other person's consent
27 and with the intent to harm, defraud, intimidate, or threaten any person;

28 (2) Sends an electronic mail, instant message, text message, or similar communication
29 that references a name, domain address, telephone number, or other item of identifying
30 information belonging to any person without obtaining the other person's consent with the intent
31 to cause a recipient of the communication to reasonably believe that the other person authorized
32 or transmitted the communication and with the intent to harm or defraud any person; ~~or~~

33 (3) Uses the name or persona of a public official to create a web page on, or to post one
34 or more messages on, a commercial social networking site or sends an electronic mail, instant

1 message, text message, or similar communication without obtaining the public official's consent
2 and with the intent to induce another to submit to such pretended official authority, to solicit
3 funds, or otherwise to act in reliance upon that pretense to the other person's detriment-; or

4 (4) Accesses the user account of another person, through the use of a password or other
5 unique identifier, without obtaining the other person's consent and with the intent of viewing or
6 using information maintained on any electronic database, website or account. For the purposes of
7 this section, each instance of accessing information in violation of this section shall constitute a
8 separate offense.

9 (c) Every person convicted of an offense under this section shall be guilty of a
10 misdemeanor for the first offense and shall be subject to imprisonment not exceeding one year, a
11 fine of one thousand dollars (\$1,000), or both, and an order of restitution as provided herein.
12 Every person convicted of a second or subsequent offense under this section shall be guilty of a
13 felony and shall be subject to imprisonment not exceeding three (3) years, a fine of three
14 thousand dollars (\$3,000), or both, and an order of restitution as provided herein.

15 (d) Every person convicted of an offense under this section shall be subject to an order
16 for restitution, if appropriate, which shall be in addition to any other applicable penalty.

17 SECTION 2. 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 criminalize accessing the user account of another person without consent
2 for the purpose of viewing or using information maintained on any electronic database, website or
3 account with each instance constituting a separate offense.

4 This act would take effect upon passage.

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