

Security Agreement

House Bill 779

ATTACHMENT B

Maryland State Laws Concerning Computer Use

HOUSE BILL 779

AN ACT Concerning

Crimes and Punishments - Computer Access to Public Records

FOR the purpose of making it unlawful for a person to access public records except in certain circumstances; defining a term; and providing for construction of the act with other provisions of law.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 45A

Annotated Code of Maryland

(1982 Replacement Volume and 1983 Supplement)

SECTION 1. Be it enacted by the General Assembly of Maryland, That the laws of Maryland read as follows:

Article 27 - Crime and Punishments

(a) For the purposes of this section, the following words have the meanings indicated.

(1) "Public record" includes all official books, papers, or records whether kept on a manual or automated basis, which are created, received, or used by the State or any agency thereof, a bi-county or multi-county agency, any county, municipality, or other political subdivision.

(2) "Access" means to instruct, communicate with, store data in, retrieve data from, or otherwise make use of equipment including, but not limited to, computers and other data processing equipment or resources connected therewith.

(b) It is unlawful for a person to do or attempt to do the following:

(1) Willfully make a false entry in any public records;

(2) Except under proper authority, willfully alter, deface, destroy, remove, or conceal any public records, or

(3) Except under proper authority, willfully and intentionally access public records.

(c) Any person who violates this section is guilty of a misdemeanor and may be imprisoned up to 3 years or fined up to \$1,000, or both.

SECTION 2. And be it further enacted, That this section shall not be construed to preclude the application of any other provisions of the criminal law of the State which applies or may apply to any transaction.

SECTION 3. And be it further enacted, That this Act shall take effect July 1, 1984.

ATTACHMENT C

HOUSE BILL 121

AN ACT concerning
Crimes and Punishments - Illegal Access to Computers
FOR the purpose of prohibiting intentional and unauthorized access to computers and certain devices or systems related to computers: providing for punishment for certain crimes relating to computers; providing for venue in certain crimes relating to computers; defining certain terms; and generally relating to crimes generally relating to crimes relating to computers.

BY adding to
Article 27 - Crimes and Punishments
Section 146
Annotated Code of Maryland
(1982 Replacement Volume and 1983 Supplement)

Preamble

WHEREAS, The Maryland General Assembly has declared that crime involving computers is a growing problem in government as well as in the private sector; and

WHEREAS, As a society moves into the "Information Age", the opportunities for computer crimes in government and the private sector have increased the risk for significant loss of services and increased costs to the citizens of Maryland; and

WHEREAS, Various forms of computer crimes may be the subject of criminal charges based on other provisions of law; and

WHEREAS, The Maryland General Assembly has stated that it is appropriate and desirable that a statute that prescribes additional forms of computer crime be adopted; now, therefore,

SECTION 1. Be it enacted by the General Assembly of Maryland, That the Laws of Maryland read as follows:

(a) In this section the following words have the meanings indicated.

(1) (I) "Computer" means an electronic, magnetic, optical, organic, or other data processing device or system that performs logical, arithmetic, memory, or storage functions.

(II) "Computer" includes any properly, data storage facility, or communications facility that is directly related to or operated in conjunction with that device or system.

(III) "Computer" does not include an automated typewriter or typesetter, a portable calculator, or any computer that:

1. is designed, manufactured, and used exclusively for routine personal, family, or household purposes; and

2. is not used to access, communicate with, or manipulate any other computer.

(2) "Computer control language" means any ordered statements that direct a computer to perform specific functions.

(3) "Computer data base" means a representation of information, knowledge, facts, concepts, or instructions that:

(I) are being prepared or have been prepared in a formalized manner; and

(II) are intended for use in a computer, computer system, or computer network.

(4) "Computer network" means the interconnection of 1 or more computers through:

(I) the use of satellite, microwave, line, or other communication media; and

(II) terminal or a complex consisting of 2 or more interconnected computers.

(5) "Computer program" means an ordered set of instructions or statements that may interact with related data that, when executed in a computer system, causes the computer to perform specified functions.

(6) "Computer services" includes, but is not limited to, computer time, data processing, and storage functions.

(7) "Computer software" means computer programs, instructions, procedures, or associated documentation that is concerned with the operation of a computer system.

(8) "Computer system" means 1 or more connected or unconnected computers, peripheral devices, software, data, or programs.

(9) "Access" means to instruct, communicate with, store data in, retrieve data from or otherwise make use of equipment including, but not limited to, computers and other data processing equipment or resources connected therewith.

(b) This section does not preclude the applicability of any other provision of this code.

(c) No person shall intentionally, willfully, and without authorization access, attempt to access, or cause access to a computer, computer network, computer software, computer control language, computer system, computer services, computer data base, or any part of these systems or services.

(d) Any person who violates any provision of subsection (C) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 3 years or both.

(e) (1) When illegal access to a computer, computer network, computer system, computer services, computer software, computer data base, or any part of these systems or services is committed in violation of this section pursuant to 1 scheme or continuing course of conduct, the conduct may be considered as 1 offense.

(2) A court of competent jurisdiction in this state may try a person who allegedly violates any provision of subsection (C) of this section in any county in this state where:

(I) the person performs the act; or

(II) the accessed computer is located.

SECTION 2. And be it further enacted, That this act shall take effect July 1, 1984.