

ASSEMBLY, No. 490

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman VANDERVALK and Assemblyman GEIST

1 AN ACT concerning certain computer-related crimes and amending
2 P.L.1984, c.184.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 4 of P.L.1984, c.184 (C.2C:20-25) is amended to read
8 as follows:

9 4. A person is guilty of theft if he purposely or knowingly and
10 without authorization;

11 a. Alters, damages, takes or destroys any data, base, computer
12 program, computer software or computer equipment exiting internally
13 or externally to computer, computer system or computer network;

14 b. Alters, damages, takes or destroys a computer, computer system
15 or computer network;

16 c. Accesses or attempts to access any computer, computer system
17 or computer network for the purpose of executing a scheme to
18 defraud, or to obtain services, property, or money, from the owner of
19 a computer or any third party; or

20 d. Alters tampers with, obtains, intercepts, damages or destroys a
21 financial instrument.

22 e. Accesses or attempts to access any computer, computer system
23 or computer network for the purpose of executing a scheme to
24 defraud, or to obtain services, property, or money, from the owner of
25 a computer or any third party by means of the following:

26 (1) Advertising or promoting a pyramid promotional scheme by
27 which a participant in the program gives a valuable consideration in
28 excess of \$10 for the opportunity or right to receive compensation or
29 other things of value in return for inducing other persons to become
30 participants in the program, when the opportunity to receive
31 compensation is derived primarily from any person's introduction of
32 other persons into participation in the program rather than from the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 sale of goods, services or intangible property by the participant or
2 other persons introduced into the program;

3 (2) Advertising or selling any security as defined in section 2 of
4 P.L.1967, c.93 (C.49:3-49);

5 (3) Advertising or selling any program advising the avoidance of
6 any legal debt; or

7 (4) Advertising or selling any program advising the use of
8 misrepresentation in the preparation of a person's credit history.

9 (cf: P.L.1984, c.184, s.4)

10

11 2. Section 5 of P.L.1984, c.184 (C.2C:20-26) is amended to read
12 as follows:

13 5. a. Theft under section 4 of [this act] P.L.1984, c.184
14 (C.2C:20-25) constitutes a crime of the second degree if the offense
15 results in the altering, damaging, destruction or obtaining of property
16 or services with a value of \$75,000.00 or more. It shall also be a
17 crime of the second degree if the offense results in a substantial
18 interruption or impairment of public communication, transportation,
19 supply of water, gas or power, or other public service.
20 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a
21 fine not to exceed \$200,000.00 may be imposed for a violation of a
22 provision of subsection e. of section 4 of P.L.1984, c.184.

23 b. A person is guilty of a crime of the third degree if he purposely
24 or knowingly accesses and recklessly alters, damages, destroys or
25 obtains any data, data base, computer, computer program, computer
26 software, computer equipment, computer system or computer network
27 with a value of \$75,000.00 or more.

28 (cf: P.L.1984, c.184, s.5)

29

30 3. Section 6 of P.L.1984, c.184 (C.2C:20-27) is amended to read
31 as follows:

32 6. a. Theft under section 4 of [this act] P.L.1984, c.184
33 (C.2C:20-25) constitutes a crime of the third degree if the offense
34 results in the altering, damaging, destruction or obtaining of property
35 or services with a value of at least \$500.00 but less than \$75,000.00.
36 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
37 fine not to exceed \$30,000.00 may be imposed for a violation of a
38 provision of subsection e. of section 4 of P.L.1984, c.184.

39 b. A person is guilty of a crime of the fourth degree if he purposely
40 or knowingly accesses and recklessly alters, damages, destroys or
41 obtains any data, data base, computer, computer program, computer
42 software, computer equipment, computer system or computer network
43 with a value of at least \$500.00 but less than \$75,000.00.

44 (cf: P.L.1984, c.184, s.6)

1 4. Section 7 of P.L.1984, c.184 (C.2C:20-28) is amended to read
2 as follows:

3 7. a. Theft under section 4 of [this act] P.L.1984, c.184
4 (C.2C:20-25) constitutes a crime of the fourth degree if the offense
5 results in the altering, damaging, destruction or obtaining of property
6 or services with a value of more than \$200.00 but less than \$500.00.
7 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
8 fine not to exceed \$15,000.00 may be imposed for a violation of a
9 provision of subsection e. of section 4 of P.L.1984, c.184.

10 b. A person is guilty of a disorderly persons offense if he purposely
11 or knowingly accesses and recklessly alters, damages, destroys or
12 obtains any data, data base, computer, computer program, computer
13 software, computer equipment, computer system or computer network
14 with a value of more than \$200.00 but less than \$500.00.

15 (cf: P.L.1984, c.184, s.7)

16

17 5. Section 8 of P.L.1984, c.184 (C.2C:20-29) is amended to read
18 as follows:

19 8. a. Theft under section 4 of [this act] P.L.1984, c.184
20 (C.2C:20-25) constitutes a disorderly persons offense when the
21 offense results in the altering, damaging, destruction or obtaining of
22 property or services with a value of \$200.00 or less. Notwithstanding
23 the provisions of subsection c. of N.J.S.2C:43-3, a fine not to exceed
24 \$2,500.00 may be imposed for a violation of a provision of subsection
25 e. of section 4 of P.L.1984, c.184.

26 b. A person is guilty of a petty disorderly persons offense if he
27 purposely or knowingly accesses and recklessly alters, damages,
28 destroys or obtains any data, data base, computer, computer program,
29 computer software, computer equipment, computer system or
30 computer network with a value of \$200.00 or less.

31 (cf: P.L.1984, c.184, s.8)

32

33 6. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill would increase the maximum fines which may be imposed
39 for certain computer-related crimes as follows: (1) for a second
40 degree crime the fine would be increased from \$100,000 to \$200,000;
41 (2) for a third degree crime the fine would be increased from \$7,500
42 to \$30,000; (3) for a fourth degree crime the fine would be increased
43 from \$7,500 to \$15,000; and (4) for a disorderly persons offense the
44 fine would be increased from \$1,000 to \$2,500. The specific
45 computer-related crimes for which these higher maximum fines may
46 apply pertain to the use of a computer, computer system or computer

1 network for the purpose of executing a scheme to defraud, or to
2 obtain services, property or money from the owner of a computer or
3 a third party by means of: advertising or promoting a pyramid
4 promotion; advertising or selling any security; advertising or selling
5 any program advising the avoidance of any legal debt; or advertising
6 or selling any program advising the use of misrepresentation in the
7 preparation of a person's credit history.

8

9

10

11

12 Provides for increased fines for certain computer-related crimes.