

ASSEMBLY, No. 1092

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen **CORODEMUS** and **BATEMAN**

1 AN ACT concerning computer-related offenses against governmental
2 entities and amending 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 2 of P.L.1984, c.184 (C.2C:20-23) is amended to read
8 as follows:

9 2. As used in this act:

10 a. "Access" means to instruct, communicate with, store data in,
11 retrieve data from, or otherwise make use of any resources of a
12 computer, computer system, or computer network.

13 b. "Computer" means an electronic device or another similar device
14 capable of executing a computer program, including arithmetic, logic,
15 memory or input-output operations, by the manipulation of electronic
16 or magnetic impulses and includes all computer equipment connected
17 to such a device in a computer system or network.

18 c. "Computer equipment" means any equipment or devices,
19 including all input, output, processing, storage, software, or
20 communications facilities, intended to interface with the computer.

21 d. "Computer network" means the interconnection of
22 communication lines, including microwave or other means of
23 electronic communications, with a computer through remote terminals,
24 or a complex consisting of two or more interconnected computers.

25 e. "Computer program" means a series of instructions or
26 statements executable on a computer, which directs the computer
27 system in a manner to produce a desired result.

28 f. "Computer software" means a set of computer programs, data,
29 procedures, and associated documentation concerned with the
30 operation of a computer system.

31 g. "Computer system" means a set of interconnected computer
32 equipment intended to operate as a cohesive system.

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 h. "Data" means information, facts, concepts, or instructions
2 prepared for use in a computer, computer system, or computer
3 network.

4 i. "Data base" means a collection of data.

5 j. "Financial instrument" includes but is not limited to a check,
6 draft, warrant, money order, note, certificate of deposit, letter of
7 credit, bill of exchange, credit or debit card, transaction authorization
8 mechanism, marketable security and any computer representation of
9 these items.

10 k. "Services" includes but is not limited to the use of a computer
11 system, computer network, computer programs, data prepared for
12 computer use and data contained within a computer system or
13 computer network.

14 l. "Governmental entity" means the State, a county, a municipality
15 or any department or agency thereof.

16 (cf: P.L.1984, c.184, s.2)

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

20 5. a. Theft under section 4 of [this act] P.L.1984, c.184
21 (C.2C:20-25) constitutes a crime of the second degree if the offense
22 results in the altering, damaging, destruction or obtaining of property
23 or services with a value of \$75,000.00 or more. It shall also be a
24 crime of the second degree if the offense results in a substantial
25 interruption or impairment of public communication, transportation,
26 supply of water, gas or power, or other public service.

27 b. [A] Except as provided in subsection c. of this section, a person
28 is guilty of a crime of the third degree if he purposely or knowingly
29 accesses and recklessly alters, damages, destroys or obtains any data,
30 data base, computer, computer program, computer software, computer
31 equipment, computer system or computer network with a value of
32 \$75,000.00 or more.

33 c. A person is guilty of a crime of the second degree if he
34 purposely or knowingly accesses and recklessly alters, damages,
35 destroys or obtains any governmental entities' data, data base,
36 computer, computer program, computer software, computer
37 equipment, computer system or computer network with a value of
38 \$75,000.00 or more.

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

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

43 6. a. Theft under section 4 of [this act] P.L.1984, c.184
44 (C.2C:20-25) constitutes a crime of the third degree if the offense
45 results in the altering, damaging, destruction, or obtaining of property
46 or services with a value of at least \$500.00 but less than \$75,000.00.

1 b. [A] Except as provided in subsection c. of this section, a A
2 person is guilty of a crime of the fourth degree if he purposely or
3 knowingly accesses and recklessly alters, damages, destroys or obtains
4 any data, data base, computer, computer program, computer software,
5 computer equipment, computer system or computer network with a
6 value of at least \$500.00 but less than \$75,000.00.

7 c. A person is guilty of a crime of the third degree if he purposely
8 or knowingly accesses and recklessly alters, damages, destroys or
9 obtains any governmental entities' data, data base, computer, computer
10 program, computer software, computer equipment, computer system
11 or computer network with a value of at least \$500.00 but less than
12 \$75,000.00.

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

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

17 7. a. Theft under section 4 of [this act] P.L.1984, c.184
18 (C.2C:20-25) constitutes a crime of the fourth degree if the offense
19 results in the altering, damaging, destruction or obtaining of property
20 or services with a value of more than \$200.00 but less than \$500.00.

21 b. [A] Except as provided in subsection c. of this section, a A
22 person is guilty of a disorderly persons offense if he purposely or
23 knowingly accesses and recklessly alters, damages, destroys or obtains
24 any data, data base, computer, computer program, computer software,
25 computer equipment, computer system or computer network with a
26 value of more than \$200.00 but less than \$500.00.

27 c. A person is guilty of a crime of the fourth degree if he purposely
28 or knowingly accesses and recklessly alters, damages, destroys or
29 obtains any governmental entities' data, data base, computer, computer
30 program, computer software, computer equipment, computer system
31 or computer network with a value of more than \$200.00 but less than
32 \$500.00.

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

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

37 8. a. Theft under section 4 of [this act] P.L.1984, c.184
38 (C.2C:20-25) constitutes a disorderly persons offense when the
39 offense results in the altering, damaging, destruction or obtaining of
40 property or services with a value of \$200.00 or less.

41 b. A person is guilty of a petty disorderly persons offense if he
42 purposely or knowingly accesses and recklessly alters, damages,
43 destroys or obtains any data, data base, computer, computer program,
44 computer software, computer equipment, computer system or
45 computer network with a value of \$200.00 or less, except that, it is a
46 disorderly persons offense if a governmental entities' data, data base,

1 computer, computer program, computer software, computer
2 equipment, computer system or computer network are altered,
3 damaged, destroyed or obtained.

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

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6 6. Section 9 of P.L.1984, c.184 (C.2C:20-30) is amended to read
7 as follows:

8 9. A person is guilty of a crime of the third degree if he purposely
9 and without authorization accesses, alters, damages or destroys a
10 computer system or any of its parts, where the accessing and altering
11 cannot be assessed a monetary value or loss, except that, it is a crime
12 of the second degree if a governmental entities' computer system or
13 any of its parts are altered, damaged or destroyed, where the accessing
14 and altering cannot be assessed a monetary value or loss.

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

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17 7. Section 10 of P.L.1984, c.184 (C.2C:20-31) is amended to read
18 as follows:

19 10. A person is guilty of a crime of the third degree if he purposely
20 and without authorization accesses a computer system or any of its
21 parts and directly or indirectly discloses or causes to be disclosed data,
22 data base, computer software or computer programs, where the
23 accessing and disclosing cannot be assessed a monetary value or loss,
24 except that, it is a crime of the second degree if a governmental
25 entities' data, data base, computer software or computer programs are
26 accessed or disclosed, where the accessing and disclosing cannot be
27 assessed a monetary value or loss.

28 (cf: P.L.1984, c.184, s.10)

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30 8. This act shall take effect immediately.

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STATEMENT

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35 This bill upgrades the criminal penalties for computer-related theft
36 offenses when governmental data, a governmental data base, a
37 computer, a computer program, governmental computer software,
38 computer equipment, a governmental computer system or a
39 governmental computer network are affected. The provisions of P.L.
40 1984, c. 184 created computer-related crimes classified as theft. The
41 degree of crime depends on the value of the property or services
42 involved. This bill increases these enumerated offenses when the
43 object of the crime is a governmental computer or related data,
44 programs or networks. Under the bill, a person is guilty of a crime of
45 the second degree if he purposely or knowingly accesses and recklessly
46 alters, damages, destroys or obtains any governmental entities' data,

1 data base, computer, computer program, computer software, computer
2 equipment, computer system or computer network with a value of
3 \$75,000.00 or more. It is a crime of the third degree if it has a value
4 of at least \$500.00 but less than \$75,000.00. It is a crime of the fourth
5 degree if it has a value of more than \$200.00 but less than \$500.00.
6 When the value is \$200.00 or less it is a disorderly persons offense.

7 The bill also upgrades the criminal penalties when a monetary value
8 cannot be assessed as set forth in sections 9 and 10 of P.L.1984, c.184
9 (C.2C:20-30 and 31).

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14 Upgrades penalties for computer-related offenses concerning
15 governmental entities' computers, data and programs.