

[First Reprint]
ASSEMBLY, No. 1092

STATE OF NEW JERSEY

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted May 6, 1996.

1 equipment intended to operate as a cohesive system.

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

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

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

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

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

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

18

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

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

28 b. [A] Except as provided in subsection c. of this section, a person
29 is guilty of a crime of the third degree if he purposely or knowingly
30 accesses and recklessly alters, damages, destroys or obtains any data,
31 data base, computer, computer program, computer software, computer
32 equipment, computer system or computer network ¹[with a value]
33 when the access results in damages¹ of \$75,000.00 or more.

34 c. A person is guilty of a crime of the second degree if he
35 purposely or knowingly accesses and recklessly alters, damages,
36 destroys or obtains any governmental entities' data, data base,
37 computer, computer program, computer software, computer
38 equipment, computer system or computer network ¹[with a value]
39 when the access results in damages¹ of \$75,000.00 or more.

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

41

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

44 6. a. Theft under section 4 of [this act] P.L.1984, c.184
45 (C.2C:20-25) constitutes a crime of the third degree if the offense
46 results in the altering, damaging, destruction, or obtaining of property

1 or services with a value of at least \$500.00 but less than \$75,000.00.

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

9 c. A person is guilty of a crime of the third degree if he purposely
10 or knowingly accesses and recklessly alters, damages, destroys or
11 obtains any governmental entities' data, data base, computer, computer
12 program, computer software, computer equipment, computer system
13 or computer network ¹[with a value] when the access results in
14 damages ¹of at least \$500.00 but less than \$75,000.00.

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

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

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

23 b. [A] Except as provided in subsection c. of this section, a person
24 is guilty of a disorderly persons offense if he purposely or knowingly
25 accesses and recklessly alters, damages, destroys or obtains any data,
26 data base, computer, computer program, computer software, computer
27 equipment, computer system or computer network ¹[with a value]
28 when the access results in damages ¹of more than \$200.00 but less
29 than \$500.00.

30 c. A person is guilty of a crime of the fourth degree if he purposely
31 or knowingly accesses and recklessly alters, damages, destroys or
32 obtains any governmental entities' data, data base, computer, computer
33 program, computer software, computer equipment, computer system
34 or computer network ¹[with a value] when the access results in
35 damages ¹of more than \$200.00 but less than \$500.00.

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

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

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

44 b. A person is guilty of a petty disorderly persons offense if he
45 purposely or knowingly accesses and recklessly alters, damages,
46 destroys or obtains any data, data base, computer, computer program,

1 computer software, computer equipment, computer system or
2 computer network ¹[with a value] when the access results in damages¹
3 of \$200.00 or less, except that, it is a disorderly persons offense if a
4 governmental entities' data, data base, computer, computer program,
5 computer software, computer equipment, computer system or
6 computer network are altered, damaged, destroyed or obtained.

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

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

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

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

19

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

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

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

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33 8. This act shall take effect immediately.

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38 Upgrades penalties for computer-related offenses concerning
39 governmental entity's computers, data and programs.