

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:

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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.

33 h. "Data" means information, facts, concepts, or instructions  
34 prepared for use in a computer, computer system, or 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.**

1 network.

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

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

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

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

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

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

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

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

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

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

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

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

45 b. [A] Except as provided in subsection c. of this section, a person  
46 is guilty of a crime of the fourth degree if he purposely or knowingly

1 accesses and recklessly alters, damages, destroys or obtains any data,  
2 data base, computer, computer program, computer software, computer  
3 equipment, computer system or computer network with a value of at  
4 least \$500.00 but less than \$75,000.00.

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

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

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

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

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

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

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

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

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

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

1 damaged, destroyed or obtained.

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

3

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

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

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

14

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

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

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

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28 8. This act shall take effect immediately.

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