

Committee on Communications, Energy, and Public Utilities

CS/CS/CS/HB 641 — Computer Crimes

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. La Rosa (CS/CS/CS/SB 364 by Appropriations Committee; Criminal Justice Committee; Communications, Energy, and Public Utilities Committee; and Senator Brandes)

The bill recognizes that advancements in technology have led to an increase in the number and reach of computer related crimes. CS/CS/CS/HB 641 addresses this increase in computer crimes by expanding the application of various existing statutes addressing computer-related crimes to include electronic devices and creating additional offenses. The bill expands the entities that can bring a civil action against persons convicted of computer-related offenses and provides for exceptions to computer-related offenses for persons who act pursuant to a search warrant, an exception to a search warrant, within the scope of lawful employment or who perform authorized security operations of a government or business.

Three crimes are added to “offenses against users of computer networks and electronic devices” including:

- Audio and video surveillance of an individual without that individual’s knowledge by accessing any inherent feature or component of a computer, computer system, computer network, or electronic device without authorization;
- Intentionally interrupting the transmittal of data to or from, or gaining unauthorized access to a computer, computer system, computer network, or electronic device belonging to a mode of public or private transit;
- Endangering human life; and
- Disrupting a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person.

“Offenses against public utilities” are created in the bill and two additional crimes are created, including:

- Gaining access to a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility while knowing that such access is unauthorized, a third degree felony; and
- Physically tampering with, inserting a computer contaminant into, or otherwise transmitting commands or electronic communications to a computer, computer system, computer network, or electronic device which causes a disruption in any service delivered by a public utility, a second degree felony.

If approved by the Governor, these provisions take effect October 1, 2014.

Vote: Senate 39-0; House 117-0