

Senate Bill 315

By: Senators Thompson of the 14th, Albers of the 56th, Cowsert of the 46th, Miller of the 49th, Unterman of the 45th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia
2 Annotated, relating to computer crimes, so as to create the new crime of unauthorized
3 computer access; to provide for penalties; to change provisions relating to venue for
4 computer crimes; to provide for forfeiture; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Part 1 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
9 relating to computer crimes, is amended by adding a new subsection to and revising
10 paragraph (2) of subsection (h) of Code Section 16-9-93, relating to computer crimes
11 defined, exclusivity of article, civil remedies, and criminal penalties, as follows:

12 "(b.1) **Unauthorized Computer Access.** Any person who accesses a computer or
13 computer network with knowledge that such access is without authority shall be guilty of
14 the crime of unauthorized computer access."

15 "(2) Any person convicted of computer password disclosure or unauthorized computer
16 access shall be fined not more than \$5,000.00 or incarcerated for a period not to exceed
17 one year, or both punished for a misdemeanor of a high and aggravated nature."

18 style="text-align:center">**SECTION 2.**

19 Said part is further amended by revising Code Section 16-9-94, relating to venue, as follows:
20 "16-9-94.

21 For the purpose of venue under this article, any violation of this article shall be considered
22 to have been committed:

23 (1) In the county of the residence or principal place of business in this state of the owner
24 or lessee of a computer, computer network, or any part thereof which has been the subject
25 of such violation;

26 (2) In any county in which any person alleged to have violated any provision of this
 27 article had control or possession of any proceeds of the violation or of any books, records,
 28 documents, or property which were used in furtherance of the violation;

29 (3) In any county in which any act was performed in furtherance of any transaction
 30 which violated this article; ~~and~~

31 (4) In any county from which, to which, or through which any use of a computer or
 32 computer network was made, whether by wires, electromagnetic waves, microwaves, or
 33 any other means of communication;

34 (5) In any county in which an authorized computer user was denied service; and

35 (6) In any county in which an authorized computer user's service was interrupted."

36 **SECTION 3.**

37 Said part is further amended by adding a new Code section to read as follows:

38 "16-9-95.

39 (a) As used in this Code section, the terms 'proceeds' and 'property' shall have the same
 40 meanings as set forth in Code Section 9-16-2.

41 (b) Any property which is, directly or indirectly, used or intended for use in any manner
 42 to facilitate a violation of this article and any proceeds are declared to be contraband and
 43 no person shall have a property right in them.

44 (c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall
 45 be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9."

46 **SECTION 4.**

47 All laws and parts of laws in conflict with this Act are repealed.