

The Senate Committee on Public Safety offered the following substitute to SB 315:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

(2) This subsection shall not prohibit:

(A) A parent or legal guardian of an individual who is under the age of 18 from monitoring computer usage, denying computer usage, or copying data from such individual's computer; or

(B) Access to a computer or computer network for a legitimate business activity."

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

SECTION 2.

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

25 "16-9-94.

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

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

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

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

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

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

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

41 **SECTION 3.**

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