

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

H

2

HOUSE BILL 1501  
Committee Substitute Favorable 7/10/02

Short Title: Felonious Access to Government Computers.

(Public)

Sponsors:

Referred to:

June 3, 2002

1 A BILL TO BE ENTITLED  
2 AN ACT CONCERNING UNLAWFUL ACCESS OR DAMAGE TO A  
3 GOVERNMENT COMPUTER OR CAUSING DENIAL OF SERVICE  
4 AFFECTING A GOVERNMENT COMPUTER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-453 is amended by adding a new subdivision to read:

7 "(7a) "Government computer" means any computer, computer program,  
8 computer system, computer network, or any part thereof, that is  
9 owned, operated, or used by any State or local governmental entity."

10 **SECTION 2.** Article 60 of Chapter 14 of the General Statutes is amended by  
11 adding a new section to read:

12 **"§ 14-453.1. Exceptions.**

13 This Article does not apply to or prohibit:

14 (1) Any terms or conditions in a contract or license related to a computer,  
15 computer network, software, computer system, database, or  
16 telecommunication device; or

17 (2) Any software or hardware designed to allow a computer, computer  
18 network, software, computer system, database, information, or  
19 telecommunication service to operate in the ordinary course of a  
20 lawful business or that is designed to allow an owner or authorized  
21 holder of information to protect data, information, or rights in it.

22 **SECTION 3.** Article 60 of Chapter 14 of the General Statutes is amended by  
23 adding a new section to read:

24 **"§ 14-453.2. Jurisdiction.**

25 Any offense under this Article committed by the use of electronic communication  
26 may be deemed to have been committed where the electronic communication was  
27 originally sent or where it was originally received in this State. 'Electronic  
28 communication' means the same as the term is defined in G.S. 14-196.3(a)."

29

1           **SECTION 4.** Article 60 of Chapter 14 of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 14-454.1. Accessing government computers.**

4       (a) It is unlawful to willfully, directly or indirectly, access or cause to be  
5 accessed any government computer for the purpose of:

6           (1) Devising or executing any scheme or artifice to defraud, or

7           (2) Obtaining property or services by means of false or fraudulent  
8 pretenses, representations, or promises.

9       A violation of this subsection is a Class F felony.

10       (b) Any person who willfully and without authorization, directly or indirectly,  
11 accesses or causes to be accessed any government computer for any purpose other than  
12 those set forth in subsection (a) of this section is guilty of a Class H felony.

13       (c) Any person who willfully and without authorization, directly or indirectly,  
14 accesses or causes to be accessed any educational testing material or academic or  
15 vocational testing scores or grades that are in a government computer is guilty of a  
16 Class 1 misdemeanor.

17       (d) For the purpose of this section the phrase "access or cause to be accessed"  
18 includes introducing, directly or indirectly, a computer program (including a  
19 self-replicating or a self-propagating computer program) into a computer, computer  
20 program, computer system, or computer network."

21       **SECTION 5.** G.S. 14-455 is amended by adding a new subsection to read:

22       "(a1) It is unlawful to willfully and without authorization alter, damage, or destroy  
23 a government computer. A violation of this subsection is a Class F felony."

24       **SECTION 6.** Article 60 of Chapter 14 of the General Statutes is amended by  
25 adding a new section to read:

26 **"§ 14-456.1. Denial of government computer services to an authorized user.**

27       (a) Any person who willfully and without authorization denies or causes the  
28 denial of government computer services is guilty of a Class H felony. For the purposes  
29 of this section, the term "government computer service" means any service provided or  
30 performed by a government computer as defined in G.S. 14-454.1.

31       (b) This section also applies to denial of services effectuated by introducing,  
32 directly or indirectly, a computer program (including a self-replicating or a  
33 self-propagating computer program) into a computer, computer program, computer  
34 system, or computer network."

35       **SECTION 7.** This act becomes effective December 1, 2002, and applies to  
36 offenses committed on or after that date.