

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 764
HOUSE BILL 822

AN ACT TO AMEND THE LAWS REGARDING COMPUTER-RELATED CRIME.

The General Assembly of North Carolina enacts:

Section 1. Article 60 of Chapter 14 of the General Statutes reads as rewritten:

"ARTICLE 60.

"Computer-Related Crime.

"§ 14-453. Definitions.

As used in this ~~section~~, Article, unless the context clearly requires otherwise, the following terms have the meanings specified:

- (1) 'Access' means to ~~approach~~, instruct, communicate with, cause input, cause output, cause data processing, or otherwise make use of any resources of a computer, ~~computer system~~ computer system, or computer network.
- (1a) 'Authorization' means having the consent or permission of the owner, or of the person licensed or authorized by the owner to grant consent or permission to access a computer, computer system, or computer network in a manner not exceeding the consent or permission.
- (2) 'Computer' means an internally programmed, automatic device that performs data ~~processing~~ processing or telephone switching.
- (3) 'Computer network' means the interconnection of communication systems with a computer through remote terminals, or a complex consisting of two or more interconnected ~~computers~~ computers or telephone switching equipment.
- (4) 'Computer program' means an ordered set of data that are coded instructions or statements that when executed by a computer cause the computer to process data.
- (5) 'Computer software' means a set of computer programs, procedures and associated documentation concerned with the operation of a ~~computer system~~ computer, computer system, or computer network.
- (6) 'Computer system' means ~~a set of related, connected or unconnected computer equipment and devices~~ at least one computer together with a set of related, connected, or unconnected peripheral devices.
- (6a) 'Data' means a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer, computer system, or computer network. Data may be embodied in any form including, but not

- limited to, computer printouts, magnetic storage media, and punch cards, or may be stored internally in the memory of a computer.
- (7) ~~'Financial statement' instrument'~~ includes but is not limited to any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card or [or] or marketable security, or any electronic data processing representation thereof.
 - (8) ~~'Property' includes but is not limited to,~~ financial instruments, information, including electronically processed or produced data, and computer software and computer programs in either machine or human readable form, and any other tangible or intangible item of value.
 - (8a) 'Resource' includes peripheral devices, computer software, computer programs, and data, and means to be a part of a computer, computer system, or computer network.
 - (9) ~~'Services' includes, but is not limited to,~~ includes computer time, data processing and storage functions.

"§ 14-454. Accessing computers.

(a) ~~A person is guilty of a Class H felony if he~~ It is unlawful to willfully, directly or indirectly, accesses or causes access or cause to be accessed any computer, computer system, computer network, or any part thereof, for the purpose of:

- (1) Devising or executing any scheme or artifice to defraud, unless the object of the scheme or artifice is to obtain educational testing material, a false educational testing score, or a false academic or vocational grade, or
- (2) Obtaining property or services other than educational testing material, a false educational testing score, or a false academic or vocational grade for himself or another, a person, by means of false or fraudulent pretenses, representations or promises.

A violation of this subsection is a Class G felony if the fraudulent scheme or artifice results in damage of more than one thousand dollars (\$1,000), or if the property or services obtained are worth more than one thousand dollars (\$1,000). Any other violation of this subsection is a Class 1 misdemeanor.

(b) ~~Any person who willfully and without authorization, directly or indirectly, accesses or causes to be accessed any computer, computer system, or computer network, or any part thereof,~~ network for any purpose other than those set forth in subsection (a) above, is guilty of a misdemeanor.

(c) For the purpose of this section, the term 'accessing or causing to be accessed' includes introducing, directly or indirectly, a computer program (including a self-replicating or a self-propagating computer program) into a computer, computer system, or computer network.

"§ 14-455. ~~Damaging computers and related materials.~~ computers, computer systems, computer networks, and resources.

(a) ~~A person is guilty of a Class H felony if he~~ It is unlawful to willfully and without authorization alters, damages or destroys alter, damage, or destroy a computer, computer system, computer network, or any part thereof. A violation of this subsection

is a Class G felony if the damage caused by the alteration, damage, or destruction is more than one thousand dollars (\$1,000). Any other violation of this subsection is a Class 1 misdemeanor.

~~(b) A person is guilty of a misdemeanor if he willfully and without authorization alters, damages, or destroys any computer software, program or data residing or existing internal or external to a computer, computer system or computer network.~~

(b) This section applies to alteration, damage, or destruction effectuated by introducing, directly or indirectly, a computer program (including a self-replicating or a self-propagating computer program) into a computer, computer system, or computer network.

"§ 14-456. Denial of computer services to an authorized user.

(a) Any person who willfully and without authorization denies or causes the denial of computer system services to an authorized user of such computer system services, is guilty of a misdemeanor. computer, computer system, or computer network services to an authorized user of the computer, computer system, or computer network services is guilty of a misdemeanor.

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

"§ 14-457. Extortion.

Any person who verbally or by a written or printed communication, maliciously threatens to commit an act described in G.S. 14-455 with the intent to extort money or any pecuniary advantage, or with the intent to compel any person to do or refrain from doing any act against his will, is guilty of a Class H felony."

Sec. 2. This act becomes effective December 1, 1994, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 16th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives