

_____ offers the following
substitute to SB 315:

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 exceptions; to provide for penalties; to change provisions
4 relating to venue for computer crimes; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 (2) This subsection shall not apply to:

16 (A) Persons who are members of the same household;

17 (B) Access to a computer or computer network for a legitimate business activity;

18 (C) Cybersecurity active defense measures that are designed to prevent and detect
19 unauthorized computer access; or

20 (D) Persons based upon violations of terms of service or user agreements."

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

24 **SECTION 2.**

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

26 "16-9-94.

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

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

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

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

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

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

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

42 **SECTION 3.**

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