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## DIGEST

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HB 74 Reengrossed

2019 Regular Session

Terry Landry

**Abstract:** Creates the crime of trespass against state computers, provides penalties for persons convicted of trespass against state computers, and provides a definition for "internet-connected device".

Proposed law creates the crime of trespass against state computers and defines it as knowingly accessing a computer owned, operated, or utilized by the state of La., its contractors, or its political subdivisions without authorization, or exceeding authorized access, when it is done for any of the following purposes:

- (1) To obtain information that has been determined to require protection against unauthorized disclosure.
- (2) To transmit or threaten to transmit information that has been determined to require protection against unauthorized disclosure.
- (3) To initiate a denial of service attack or to introduce malicious or destructive software that negatively affects the computers.

Proposed law provides the following penalties for the crime of trespass against state computers:

- (1) For a first offense, when the offense involves the activity defined in Paragraph (1) above: a fine of not more than \$3,000, imprisonment, with or without hard labor, for not more than 3 years, or both.
- (2) For a first offense, when the offense involves the activities defined in Paragraphs (2) and (3) above: a fine of not more than \$5,000, imprisonment, with or without hard labor, for not more than 3 years, or both.
- (3) For any second or subsequent offense: a fine of not more than \$10,000, imprisonment, with or without hard labor, for not more than 5 years, or both.

In addition to the penalties listed, proposed law provides that the person convicted of a crime of trespass against state computers shall also be subject to forfeiture of any movable property used or intended to be used to commit the crime and any property which constitutes or is derived from proceeds traceable to any violation of trespass to state computers.

Present law provides definitions for computer-related crimes.

Proposed law expands the present law list of definitions pertaining to computer-related crimes by including a definition of "internet-connected device".

(Amends R.S. 14:73.1(12), (13), and (14); Adds R.S. 14:73.1(15) and 73.11)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Make technical amendments.
2. Reduce the fine and term of imprisonment in the proposed law penalties.
3. In referring to property that is subject to forfeiture in the proposed law penalties, change references of "personal property" to "movable property".