SUBSTITUTE FOR

HOUSE BILL NO. 5187

A bill to amend 1979 PA 53, entitled

"An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties,"

by amending section 2 (MCL 752.792), as amended by 1996 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) "Access" means to instruct, communicate with,

2 store data in, retrieve or intercept data from, or otherwise use

3 the resources of a computer program, computer, computer system,

4 or computer network.

5 (2) "Aggregate amount" means any direct or indirect loss

6 incurred by a victim OR GROUP OF VICTIMS including, but not

7 limited to, the value of any money, property or service lost,

8 stolen, or rendered unrecoverable by the offense, or any actual

05276'99 (H-2)   TVD

1 expenditure incurred by the victim OR GROUP OF VICTIMS to verify

2 that a computer program, computer, computer system, or computer

3 network was not altered, acquired, damaged, deleted, disrupted,

4 or destroyed by the access. THE DIRECT OR INDIRECT LOSSES

5 INCURRED IN SEPARATE INCIDENTS PURSUANT TO A SCHEME OR COURSE OF

6 CONDUCT WITHIN ANY 12-MONTH PERIOD MAY BE AGGREGATED TO DETERMINE

7 THE TOTAL VALUE OF THE LOSS INVOLVED IN THE VIOLATION OF THIS

8 ACT.

9   (3) "Computer" means any connected, directly interoperable

10 or interactive device, equipment, or facility that uses a com-

11 puter program or other instructions to perform specific opera-

12 tions including logical, arithmetic, or memory functions with or

13 on computer data or a computer program and that can store,

14 retrieve, alter, or communicate the results of the operations to

15 a person, computer program, computer, computer system, or com-

16 puter network.

17   (4) "Computer network" means the interconnection of hardwire

18 or wireless communication lines with a computer through remote

19 terminals, or a complex consisting of 2 or more interconnected

20 computers.

21   (5) "Computer program" means a series of internal or exter-

22 nal instructions communicated in a form acceptable to a computer

23 that directs the functioning of a computer, computer system, or

24 computer network in a manner designed to provide or produce pro-

25 ducts or results from the computer, computer system, or computer

26 network.

05276'99 (H-2)

House Bill No. 5187   3

1   (6) "Computer system" means a set of related, connected or

2 unconnected, computer equipment, devices, software, or hardware.

3   (7) "Device" includes, but is not limited to, an electronic,

4 magnetic, electrochemical, biochemical, hydraulic, optical, or

5 organic object that performs input, output, or storage functions

6 by the manipulation of electronic, magnetic, or other impulses.

7   Enacting section 1. This amendatory act takes effect

8 July 1, 2000.

9   Enacting section 2. This amendatory act does not take

10 effect unless all of the following bills of the 90th Legislature

11 are enacted into law:

12   (a) House Bill No. 5184.

13   (b) House Bill No. 5185.

14   (c) House Bill No. 5186.

05276'99 (H-2)   Final page.   TVD