

**SENATE 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

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.

**HB 5187, As Passed Senate, May 30, 2000**

House Bill No. 5187 as amended March 15 and 30, 2000

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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 90 days after the date it is enacted.

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) Senate Bill No. 893.

13       (b) Senate Bill No. 894.

14       [REDACTED]

15       [REDACTED]

16       (c) House Bill No. 5185.

17       (d) House Bill No. 5186.