



**Computer Crimes Advisory Committee  
Delegate Kenneth R. Plum, Chairman  
Wednesday, August 7, 2013 10:00 a.m.  
House Room C, General Assembly Building**

The JCOTS Computer Crimes Advisory Committee held its second meeting of the year on Wednesday, August 7, 2013. The meeting focused on continued discussion related to the search and seizure draft and computer trespass draft that began at the previous meeting.

In reviewing the search and seizure draft, the committee recommended that language be added clarifying that the examination of items seized may be conducted at any time, so long as probable cause continues to exist. It was motioned, and seconded, that the bill be recommended to JCOTS for consideration, and the motion passed unanimously.

The computer trespass draft generated substantially more discussion. There was general agreement that the standard for computer trespass should not be an "intentional" standard, as was in the draft forwarded to JCOTS for review. However, there was disagreement as to whether the standard should be amended to "knowingly and without authority" or "intentionally deceptive means and without authority." The "intentionally deceptive means" standard is new in Virginia, and is only used in one other place in the Code of Virginia. Such standard is used in legislation prohibiting the use of GPS to track an individual without his consent, and was just adopted by the 2013 Session of the General Assembly.

There was also some concern about the potential fiscal impact that changes to the existing law might cause. Staff was directed to attempt to draft the bill so as to avoid a fiscal impact on the required criminal impact statement.

Upon motion, and seconded, the committee agreed to adopt language that would use the "intentionally deceptive means" standard. It was recommended that the bill be reported to JCOTS for consideration, but with two dissenting votes.

Because this concluded the work of the advisory committee, no additional meetings are required during the Interim. Delegate Plum thanked the committee members for their work on these issues.

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