



## 2006 Cybercrimes Advisory Committee Recommendations

The Cybercrimes Advisory Committee reviewed two bills, HB 254 and HB 1354, during the 2006 Interim. The recommendations based on the committee's work are listed below. In addition to reviewing the legislation, the advisory committee engaged in open discussion relating to online predators and Internet safety. The advisory committee tracked efforts in Virginia's Office of the Attorney General and federal legislation targeted at educating parents and protecting children from online predators.

### Recommendations:

- I. **Support Amendments to HB 254:** The Cybercrimes Advisory Committee recommends JCOTS support new language for HB 254 (2006) addressing two forms of spyware: keyboard loggers and bots and zombies. Keyboard loggers are programs that record the key strokes made on one computer and send that data to another computer, thereby allowing a third party to 'watch' what a person types into their computer. The new bill makes it a crime to install a keyboard logger, without authorization, on the computer of another. The bill also makes it a crime to collect information, without authorization, using a keyboard logger. The second type of spyware addressed in the new language, bots and zombies, are computer programs that allow a person to take control of another computer to perform certain tasks. Although there are legitimate uses of these programs, the new language in the bill makes it a crime to install those programs that are capable of causing harm to another computer or disable or disrupt another computer's ability to share or transmit information.
- II. **HB 1354; No Action; Continue Study:** After significant discussion, the Cybercrimes Advisory Committee recommends that JCOTS take no action on HB1354, addressing cell phone spam. The advisory committee developed new language for the bill but ultimately decided not to recommend the bill to JCOTS, mainly due to the lack of industry support. Although no members of industry outright opposed the bill, the committee did not receive the type of support industry provided for the original email spam bill. The advisory committee recommends JCOTS continue to study HB 1354 and cell phone spam during the 2007 Interim. The advisory committee's work is documented on the JCOTS website and available for those who are interested.