

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 18.2-152.4 of the Code of Virginia, relating to additional spyware
2 provisions for computer trespass; penalty

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 18.2-152.4 of the Code of Virginia is amended and reenacted as follows:**

5 § 18.2-152.4. Computer trespass; penalty.

6 A. It shall be unlawful for any person, with malicious intent, to:

7 1. Temporarily or permanently remove, halt, or otherwise disable any computer data, computer
8 programs or computer software from a computer or computer network;

9 2. Cause a computer to malfunction, regardless of how long the malfunction persists;

10 3. Alter, disable, or erase any computer data, computer programs or computer software;

11 4. Effect the creation or alteration of a financial instrument or of an electronic transfer of funds;

12 5. Use a computer or computer network to cause physical injury to the property of another; ~~or~~

13 6. Use a computer or computer network to make or cause to be made an unauthorized copy, in
14 any form, including, but not limited to, any printed or electronic form of computer data, computer
15 programs or computer software residing in, communicated by, or produced by a computer or computer
16 network;

17 7. [Repealed.]

18 8. Install or cause to be installed, on the computer of another and without the authorization of the
19 owner of the computer, computer software that records all or a majority of the keystrokes made on the
20 computer; or

21 9. Install or cause to be installed, on the computer of another, computer software for the purpose
22 of (i) taking control of the computer so that the computer is capable of causing damage to another
23 computer; or (ii) disabling or disrupting the ability of the computer to share or transmit instructions or

24 computer data to other computers or to any related computer equipment or devices, including, but not
25 limited to, printers, scanners, or fax machines.

26 B. Any person who violates this section shall be guilty of computer trespass, which ~~offense~~ shall
27 be punishable as a Class 1 misdemeanor. If there is damage to the property of another valued at ~~\$1,000~~
28 \$500 or more caused by such person's act in violation of this section, the offense shall be punishable as a
29 Class 6 felony. If a person installs or causes to be installed computer software in violation of this section
30 on more than five computers of another, the offense shall be punishable as a Class 6 felony. If a person
31 violates subsection A 8, the offense shall be punishable as a Class 6 felony.

32 C. Nothing in this section shall be construed to interfere with or prohibit terms or conditions in a
33 contract or license related to computers, computer data, computer networks, computer operations,
34 computer programs, computer services, or computer software or to create any liability by reason of
35 terms or conditions adopted by, or technical measures implemented by, a Virginia-based electronic mail
36 service provider to prevent the transmission of unsolicited electronic mail in violation of this article.
37 Nothing in this section shall be construed to prohibit the monitoring of computer usage of, the otherwise
38 lawful copying of data of, or the denial of computer or Internet access to a minor by a parent or legal
39 guardian of the minor.

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