



General Assembly

February Session, 2020

Raised Bill No. 5430

LCO No. 2351



Referred to Committee on BANKING

Introduced by:

(BA)

AN ACT CONCERNING COMPUTER CRIMES AGAINST FINANCIAL INSTITUTIONS AND THEIR CUSTOMERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-451 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) As used in sections 53-451 to 53-453, inclusive, unless the context
4 clearly requires otherwise:

5 (1) "Computer" means an electronic, magnetic or optical device or
6 group of devices that, pursuant to a computer program, human
7 instruction or permanent instructions contained in the device or group
8 of devices, can automatically perform computer operations with or on
9 computer data and can communicate the results to another computer or
10 to a person. "Computer" includes any connected or directly related
11 device, equipment or facility that enables the computer to store, retrieve
12 or communicate computer programs, computer data or the results of
13 computer operations to or from a person, another computer or another
14 device.

15 (2) "Computer data" means any representation of information,
16 knowledge, facts, concepts or instructions that is being prepared or has
17 been prepared and is intended to be processed, is being processed or has
18 been processed in a computer or computer network. "Computer data"
19 may be in any form, whether readable only by a computer or only by a
20 human or by either, including, but not limited to, computer printouts,
21 magnetic storage media, punched cards or stored internally in the
22 memory of the computer. "Computer data" includes, but is not limited
23 to, nonpublic personal information of individuals who use, or apply to
24 use, the products or services of a financial institution that is being
25 prepared or has been prepared and is intended to be processed, is being
26 processed or has been processed in any computer, computer network,
27 computer program or computer software owned by, or leased or
28 licensed to, a financial institution.

29 (3) "Computer network" means a set of related, remotely connected
30 devices and any communications facilities including more than one
31 computer with the capability to transmit data among them through the
32 communications facilities.

33 (4) "Computer operation" means arithmetic, logical, monitoring,
34 storage or retrieval functions and any combination thereof, and
35 includes, but is not limited to, communication with, storage of data to
36 or retrieval of data from any device or human hand manipulation of
37 electronic or magnetic impulses. A "computer operation" for a particular
38 computer may also be any function for which that computer was
39 generally designed.

40 (5) "Computer program" means an ordered set of data representing
41 coded instructions or statements that, when executed by a computer,
42 causes the computer to perform one or more computer operations.

43 (6) "Computer services" means computer time or services including
44 data processing services, Internet services, electronic mail services,
45 electronic message services or information or data stored in connection
46 therewith.

47 (7) "Computer software" means a set of computer programs,
48 procedures and associated documentation concerned with computer
49 data or with the operation of a computer, computer program or
50 computer network.

51 (8) "Electronic mail service provider" means any person who (A) is an
52 intermediary in sending or receiving electronic mail, and (B) provides
53 to end-users of electronic mail services the ability to send or receive
54 electronic mail.

55 (9) "Financial institution" means the following institutions doing
56 business in this state: (A) Banks with deposits insured by the Federal
57 Deposit Insurance Corporation; (B) credit unions with accounts insured
58 by the National Credit Union Administration; (C) broker-dealers
59 registered with the Securities and Exchange Commission pursuant to
60 Section 15 of the Securities Exchange Act of 1934; (D) insurance
61 companies licensed under the laws of this state; and (E) investment
62 advisory firms registered with the Securities and Exchange Commission
63 or the securities division of the Department of Banking.

64 [(9)] (10) "Financial instrument" includes, but is not limited to, any of
65 the following, or any computerized representation thereof: (A) Any
66 check, draft, warrant, money order, note, certificate of deposit, letter of
67 credit, bill of exchange, credit or debit card, transaction authorization
68 mechanism, marketable security, [or any computerized representation
69 thereof] or (B) any device, instrument or instruction that can be used to
70 access a loan or deposit account with a financial institution or to access
71 money, securities or other similar property held by a financial
72 institution for the benefit of another person in a custodial, trust or
73 fiduciary capacity.

74 [(10)] (11) "Owner" means an owner or lessee of a computer or a
75 computer network, or an owner, lessee or licensee of computer data,
76 computer programs or computer software.

77 [(11)] (12) "Person" means a natural person, corporation, limited
78 liability company, trust, partnership, incorporated or unincorporated

79 association and any other legal or governmental entity, including any
80 state or municipal entity or public official.

81 [(12)] (13) "Property" means: (A) Real property; (B) computers and
82 computer networks; (C) financial instruments, computer data, computer
83 programs, computer software and all other personal property
84 regardless of whether they are: (i) Tangible or intangible; (ii) in a format
85 readable by humans or by a computer; (iii) in transit between computers
86 or within a computer network or between any devices which comprise
87 a computer; or (iv) located on any paper or in any device on which it is
88 stored by a computer or by a human; and (D) computer services.

89 [(13)] (14) A person "uses" a computer or computer network when
90 such person:

91 (A) Attempts to cause or causes a computer or computer network to
92 perform or to stop performing computer operations;

93 (B) Attempts to cause or causes the withholding or denial of the use
94 of a computer, computer network, computer program, computer data
95 or computer software to another user; or

96 (C) Attempts to cause or causes another person to put false
97 information into a computer.

98 [(14)] (15) A person is "without authority" when such person (A) has
99 no right or permission of the owner to use a computer or such person
100 uses a computer in a manner exceeding such right or permission, or (B)
101 uses a computer, a computer network or the computer services of an
102 electronic mail service provider to transmit unsolicited bulk electronic
103 mail in contravention of the authority granted by or in violation of the
104 policies set by the electronic mail service provider. Transmission of
105 electronic mail from an organization to its members shall not be deemed
106 to be unsolicited bulk electronic mail.

107 (b) It shall be unlawful for any person to use a computer or computer
108 network without authority and with the intent to:

109 (1) Temporarily or permanently remove, halt or otherwise disable
110 any computer data, computer programs or computer software from a
111 computer or computer network;

112 (2) Cause a computer to malfunction, regardless of how long the
113 malfunction persists;

114 (3) Alter or erase any computer data, computer programs or
115 computer software;

116 (4) Effect the creation or alteration of a financial instrument or of an
117 electronic transfer of funds;

118 (5) Cause physical injury to the property of another;

119 (6) Make or cause to be made an unauthorized copy, in any form,
120 including, but not limited to, any printed or electronic form of computer
121 data, computer programs or computer software residing in,
122 communicated by or produced by a computer or computer network; or

123 (7) Falsify or forge electronic mail transmission information or other
124 routing information in any manner in connection with the transmission
125 of unsolicited bulk electronic mail through or into the computer
126 network of an electronic mail service provider or its subscribers.

127 (c) It shall be unlawful for any person to knowingly sell, give or
128 otherwise distribute or possess with the intent to sell, give or distribute
129 software that: (1) Is primarily designed or produced for the purpose of
130 facilitating or enabling the falsification of electronic mail transmission
131 information or other routing information; (2) has only limited
132 commercially significant purpose or use other than to facilitate or enable
133 the falsification of electronic mail transmission information or other
134 routing information; or (3) is marketed by that person or another acting
135 in concert with that person with that person's knowledge for use in
136 facilitating or enabling the falsification of electronic mail transmission
137 information or other routing information.

138 (d) Any person who violates any provision of this section shall be

139 guilty of a class B misdemeanor, except that if such person's reckless
140 disregard for the consequences of such person's actions causes damage
141 to the property of another person in an amount exceeding two thousand
142 five hundred dollars, such person shall be guilty of a class A
143 misdemeanor, and if such person's malicious actions cause damage to
144 the property of another person in an amount exceeding two thousand
145 five hundred dollars, such person shall be guilty of a class D felony.

146 (e) Nothing in this section shall be construed to interfere with or
147 prohibit terms or conditions in a contract or license related to
148 computers, computer data, computer networks, computer operations,
149 computer programs, computer services or computer software or to
150 create any liability by reason of terms or conditions adopted by, or
151 technical measures implemented by, a Connecticut-based electronic
152 mail service provider to prevent the transmission of unsolicited
153 electronic mail in violation of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	53-451

Statement of Purpose:

To make clear that computer crimes include attacks (1) that involve any computer, computer network or computer software that is owned, leased or licensed by a financial institution, and (2) targeted at the money, property or personal information of customers that is being held by a financial institution in connection with a loan or deposit account, or in a fiduciary, trust or custodial capacity.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]