

Senate Bill 315

By: Senators Thompson of the 14th, Albers of the 56th, Cowsert of the 46th, Miller of the 49th, Unterman of the 45th and others

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to computer crimes, so as to create the new crime of unauthorized  
3 computer access; to provide for exceptions; to provide for penalties; to change provisions  
4 relating to venue for computer crimes; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,  
9 relating to computer crimes, is amended by adding a new subsection to and revising  
10 paragraph (2) of subsection (h) of Code Section 16-9-93, relating to computer crimes  
11 defined, exclusivity of article, civil remedies, and criminal penalties, as follows:

12 "(b.1)(1) **Unauthorized Computer Access.** Any person who intentionally accesses a  
13 computer or computer network with knowledge that such access is without authority shall  
14 be guilty of the crime of unauthorized computer access.

15 (2) This subsection shall not apply to:

16 (A) Persons who are members of the same household;

17 (B) Access to a computer or computer network for a legitimate business activity;

18 (C) Cybersecurity active defense measures that are designed to prevent or detect  
19 unauthorized computer access; or

20 (D) Persons based upon violations of terms of service or user agreements."

21 "(2) Any person convicted of computer password disclosure or unauthorized computer  
22 access shall be fined not more than \$5,000.00 or incarcerated for a period not to exceed  
23 one year, or both punished for a misdemeanor of a high and aggravated nature."

24 **SECTION 2.**

25 Said part is further amended by revising Code Section 16-9-94, relating to venue, as follows:

26 "16-9-94.

27 For the purpose of venue under this article, any violation of this article shall be considered  
28 to have been committed:

29 (1) In the county of the residence or principal place of business in this state of the owner  
30 or lessee of a computer, computer network, or any part thereof which has been the subject  
31 of such violation;

32 (2) In any county in which any person alleged to have violated any provision of this  
33 article had control or possession of any proceeds of the violation or of any books, records,  
34 documents, or property which were used in furtherance of the violation;

35 (3) In any county in which any act was performed in furtherance of any transaction  
36 which violated this article; ~~and~~

37 (4) In any county from which, to which, or through which any use of a computer or  
38 computer network was made, whether by wires, electromagnetic waves, microwaves, or  
39 any other means of communication;

40 (5) In any county in which an authorized computer user was denied service; and

41 (6) In any county in which an authorized computer user's service was interrupted."

42 **SECTION 3.**

43 All laws and parts of laws in conflict with this Act are repealed.