

# SENATE BILL 83

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2lr0473

(PRE-FILED)

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By: **Senator Kagan**

Requested: September 14, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Public Safety – Interference With a Public Safety Answering**  
3 **Point – Penalties**

4 FOR the purpose of prohibiting a person from taking certain actions with the intent to  
5 interrupt or impair the functioning of a public safety answering point; ~~prohibiting a~~  
6 ~~person from taking certain actions which interrupt or impair the functioning of a~~  
7 ~~public safety answering point;~~ and generally relating to public safety answering  
8 points.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Law  
11 Section 7–302(c) ~~and (d)~~  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Criminal Law  
16 Section 7–302(d)  
17 Annotated Code of Maryland  
18 (2021 Replacement Volume and 2021 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Criminal Law**

2 7–302.

3 (c) (1) A person may not intentionally, willfully, and without authorization:

4 (i) access, attempt to access, cause to be accessed, or exceed the  
5 person's authorized access to all or part of a computer network, computer control language,  
6 computer, computer software, computer system, computer service, or computer database;  
7 or8 (ii) copy, attempt to copy, possess, or attempt to possess the contents  
9 of all or part of a computer database accessed in violation of item (i) of this paragraph.10 (2) A person may not commit an act prohibited by paragraph (1) of this  
11 subsection with the intent to:12 (i) cause the malfunction or interrupt the operation of all or any part  
13 of a computer, computer network, computer control language, computer software, computer  
14 system, computer service, or computer data; or15 (ii) alter, damage, or destroy all or any part of data or a computer  
16 program stored, maintained, or produced by a computer, computer network, computer  
17 software, computer system, computer service, or computer database.

18 (3) A person may not intentionally, willfully, and without authorization:

19 (i) possess, identify, or attempt to identify a valid access code; or

20 (ii) publicize or distribute a valid access code to an unauthorized  
21 person.22 (4) A person may not commit an act prohibited under this subsection with  
23 the intent to interrupt or impair the functioning of:

24 (i) the State government;

25 (ii) a service, device, or system related to the production,  
26 transmission, delivery, or storage of electricity or natural gas in the State that is owned,  
27 operated, or controlled by a person other than a public service company, as defined in §  
28 1–101 of the Public Utilities Article;29 (iii) a service provided in the State by a public service company, as  
30 defined in § 1–101 of the Public Utilities Article;31 (iv) a health care facility, as defined in § 18–338.1 of the  
32 Health – General Article; ~~or~~

1 (v) a public school, as defined in § 1-101 of the Education Article;

2 OR

3 (VI) A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN §  
4 1-301 OF THE PUBLIC SAFETY ARTICLE.

5 (5) (i) This paragraph does not apply to a person who has a bona fide  
6 scientific, educational, governmental, testing, news, or other similar justification for  
7 possessing ransomware.

8 (ii) A person may not knowingly possess ransomware with the intent  
9 to use the ransomware for the purpose of introduction into the computer, computer  
10 network, or computer system of another person without the authorization of the other  
11 person.

12 ~~(6) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS~~  
13 ~~SUBSECTION WITH THE INTENT TO INTERRUPT OR IMPAIR THE FUNCTIONING OF A~~  
14 ~~PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY~~  
15 ~~ARTICLE.~~

16 ~~(7) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS~~  
17 ~~SUBSECTION THAT INTERRUPTS OR IMPAIRS THE FUNCTIONING OF A PUBLIC~~  
18 ~~SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY~~  
19 ~~ARTICLE.~~

20 (d) (1) A person who violates subsection (c)(1) of this section is guilty of a  
21 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine  
22 not exceeding \$1,000 or both.

23 (2) A person who violates subsection (c)(2) or (3) of this section:

24 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty  
25 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not  
26 exceeding \$10,000 or both; or

27 (ii) if the aggregate amount of the loss is less than \$10,000, is guilty  
28 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a  
29 fine not exceeding \$5,000 or both.

30 (3) A person who violates subsection (c)(4) of this section:

31 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty  
32 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not  
33 exceeding \$100,000 or both; or

1 (ii) if the aggregate amount of the loss is less than \$10,000, is guilty  
2 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a  
3 fine not exceeding \$25,000 or both.

4 (4) A person who violates subsection (c)(5) of this section is guilty of a  
5 misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine  
6 not exceeding \$5,000 or both.

7 ~~(5) A PERSON WHO VIOLATES SUBSECTION (C)(6) OF THIS SECTION IS~~  
8 ~~GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT~~  
9 ~~EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.~~

10 ~~(6) A PERSON WHO VIOLATES SUBSECTION (C)(7) OF THIS SECTION IS~~  
11 ~~GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT~~  
12 ~~EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.