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SENATE BILL 5106

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators O'Ban, Padden, Fain, and Roach

Read first time 01/14/15. Referred to Committee on Law & Justice.

1            AN ACT Relating to creating a civil action for webcam  
2 unauthorized remote access; adding a new section to chapter 4.24 RCW;  
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.            **Sec. 1.**            The legislature finds that the  
6 proliferation of webcams raises serious privacy concerns. Webcams can  
7 be remotely activated, without the knowledge of the owner, by  
8 governments, businesses, or hackers. The legislature finds that  
9 readily available computer software can be used by hackers to trick  
10 unsuspecting victims into installing remote access trojans that  
11 provide the ability to remotely activate the webcam. The hackers then  
12 use the images to demand payment or other acts from the victims. The  
13 legislature further finds that current civil remedies for this breach  
14 of privacy are inadequate. The legislature intends to create a civil  
15 cause of action for the remote unauthorized access of webcams and  
16 provide remedies that more fully compensate victims.

17            NEW SECTION.            **Sec. 2.**            A new section is added to chapter 4.24 RCW  
18 to read as follows:

19            (1) In addition to any other civil or criminal remedy available,  
20 any person who owns, rents, or leases a computer or computer network

1 shall have a cause of action against another person who gains  
2 unauthorized access to a webcam connected to the computer or computer  
3 network.

4 (2) The court may award general damages, special damages,  
5 punitive damages, injunctive relief, or other equitable relief.  
6 General damages, special damages, punitive damages, injunctive  
7 relief, or other equitable relief shall include any expenditure  
8 reasonably incurred by the plaintiff to verify that the computer or  
9 computer network was not damaged or altered by the access. The court  
10 may also award reasonable attorneys' fees to a prevailing plaintiff.

11 (3) For the purposes of bringing a civil cause of action under  
12 this section, a person who gains unauthorized access to a webcam  
13 connected to a computer or computer network in one jurisdiction from  
14 another jurisdiction is deemed to have personally accessed the  
15 computer or computer network in each jurisdiction.

16 (4) For the purposes of this section:

17 (a) "Access" means to enable, turn on, communicate with, or  
18 otherwise use, intentionally and without authority, permission, or  
19 consent, a webcam owned, rented, or leased by another person.

20 (b) "Computer network" means any system that provides  
21 communications between one or more computers or computer systems and  
22 input/output devices including, but not limited to, display  
23 terminals, remote systems, mobile devices, and printers.

24 (c) "Webcam" means a video camera that feeds or streams its image  
25 to or through a computer or computer network.

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