

HB 2835

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

HOUSE BILL No. 2835

(By Delegates Staton, Amos, Collins,
Douglas, Whitman, Hunt and Kime)



Passed March 10, 1995

In Effect As m Passage



ENROLLED

H. B. 2835

(BY DELEGATES STATON, AMORES, COLLINS, DOUGLAS,
WHITMAN, HUNT AND KIME)

[Passed March 10, 1995; in effect from passage.]

AN ACT to amend and reenact section four, article three-c, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to computer fraud; prohibiting the knowing and willful access to any data stored in a computer owned by the Legislature; limitation of defenses; criminal penalties; and regulations.

Be it enacted by the Legislature of West Virginia:

That section four, article three-c, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.

§61-3C-4. Computer fraud; access to Legislature computer; criminal penalties.

1 (a) Any person who, knowingly and willfully, directly
2 or indirectly, accesses or causes to be accessed any com-
3 puter, computer services or computer network for the
4 purpose of (1) executing any scheme or artifice to de-
5 fraud or (2) obtaining money, property or services by
6 means of fraudulent pretenses, representations or promises
7 is guilty of a felony, and, upon conviction thereof, shall be
8 fined not more than ten thousand dollars or imprisoned in
9 the penitentiary for not more than ten years, or both fined
10 and imprisoned.

11 (b)(1) Any person who, knowingly and willfully, di-
12 rectly or indirectly, accesses, attempts to access, or causes
13 to be accessed any data stored in a computer owned by the
14 Legislature without authorization is guilty of a felony, and,
15 upon conviction thereof, shall be fined not more than five
16 thousand dollars or imprisoned in the penitentiary for not
17 more than five years, or both fined and imprisoned.

18 (2) Notwithstanding the provisions of section seven-
19 teen of this article to the contrary, in any criminal prose-
20 cution under this subsection against an employee or mem-
21 ber of the Legislature, it shall not be a defense (A) that the
22 defendant had reasonable grounds to believe that he or
23 she had authorization to access the data merely because of
24 his or her employment or membership, or (B) that the
25 defendant could not have reasonably known he or she did
26 not have authorization to access the data: *Provided*, That
27 the joint committee on government and finance shall pro-
28 mulgate rules for the respective houses of the Legislature
29 regarding appropriate access of members and staff and
30 others to the legislative computer system.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Ray J. Donovan
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect from passage

Harold B. Adams
Clerk of the Senate

Donald L. Kapp
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Paul P. Pender
Speaker of the House of Delegates

The within *is approved* this the *24th*
day of *May* 1995.

Gaston Caperton
Governor



PRESENTED TO THE

GOVERNOR

Date 3/24/95



Time 3:49 PM