S T A T E O F N E W Y O R K

2770

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOLB, ERRIGO, BURLING, BARCLAY, WALKER, McKEVITT, P. LOPEZ -- Multi-Sponsored by -- M. of A. AMEDORE, BACALLES, BALL, CONTE, DUPREY, GIGLIO, MILLER, MOLINARO, OAKS, RABBITT, RAIA, THIELE, TOWNSEND -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crime of cyberterrorism and calculating damages caused by computer tampering

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding a new section 490.28 to read as follows:

S 490.28 CRIME OF CYBERTERRORISM.

1. AN INDIVIDUAL IS GUILTY OF THE CRIME OF CYBERTERRORISM WHEN HE OR SHE:

(A) WITH THE INTENT TO INTIMIDATE OR COERCE A CIVILIAN POPULATION, INFLUENCE THE POLICY OF A UNIT OF GOVERNMENT BY INTIMIDATION OR COERCION, OR AFFECT THE CONDUCT OF A UNIT OF GOVERNMENT, COMMITS ANY OF THE CRIMES CONTAINED WITHIN ARTICLE ONE HUNDRED FIFTY-SIX OF THIS CHAPTER; OR

(B) WITH THE INTENT TO INTIMIDATE OR COERCE A CIVILIAN POPULATION, INFLUENCE THE POLICY OF A UNIT OF GOVERNMENT BY INTIMIDATION OR COERCION, OR AFFECT THE CONDUCT OF A UNIT OF GOVERNMENT, COMMITS A DENIAL OF SERVICE ATTACK AGAINST ANY COMPUTER NETWORK ADMINISTERED OR OPERATED BY A LOCAL, STATE OR FEDERAL GOVERNMENT ENTITY, ANY UTILITY (INCLUDING ELECTRICITY OR WATER) OR A FINANCIAL INSTITUTION.

2. FOR THE PURPOSE OF THIS SECTION "DENIAL OF SERVICE ATTACK" MEANS PREVENTING AUTHORIZED ACCESS TO COMPUTER RESOURCES OR DELAYING TIME CRITICAL COMPUTER OPERATIONS BY INUNDATING OR OTHERWISE OVERLOADING A COMPUTER NETWORK, OR ATTEMPTING TO INUNDATE OR OTHERWISE OVERLOAD A COMPUTER SERVICE.

CRIME OF CYBERTERRORISM IS A CLASS B FELONY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2. Subdivision 4 of section 156.25 of the penal law, as amended by chapter 89 of the laws of 1993, is amended to read as follows:

4. he OR SHE intentionally alters in any manner or destroys computer data or a computer program so as to cause damages, TO THE COMPUTER TAMPERED WITH OR TO ANY OTHER COMPUTER AFFECTED BY THE TAMPERING, in an aggregate amount exceeding one thousand dollars.

S 3. Subdivision 1 of section 156.26 and section 156.27 of the penal law, subdivision 1 of section 156.26 as amended by chapter 590 of the laws of 2008 and section 156.27 as added by chapter 89 of the laws of 1993, are amended to read as follows:

1. computer data or a computer program so as to cause damages, TO THE COMPUTER TAMPERED WITH OR TO ANY OTHER COMPUTER AFFECTED BY THE TAMPERING, in an aggregate amount exceeding three thousand dollars; or

S 156.27 Computer tampering in the first degree.

A person is guilty of computer tampering in the first degree when he OR SHE commits the crime of computer tampering in the fourth degree and he OR SHE intentionally alters in any manner or destroys computer data or a computer program so as to cause damages, TO THE COMPUTER TAMPERED WITH OR TO ANY OTHER COMPUTER AFFECTED BY THE TAMPERING, in an aggregate amount exceeding fifty thousand dollars.

Computer tampering in the first degree is a class C felony.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.