

# STATE OF NEW YORK

4273

2019-2020 Regular Sessions

## IN SENATE

March 6, 2019

Introduced by Sen. ANTONACCI -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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:

§ 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.

§ 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:

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

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1 4. he or she intentionally alters in any manner or destroys computer  
2 data or a computer program so as to cause damages, to the computer  
3 tampered with or to any other computer affected by the tampering, in an  
4 aggregate amount exceeding one thousand dollars.

5 § 3. Subdivision 1 of section 156.26 and section 156.27 of the penal  
6 law, subdivision 1 of section 156.26 as amended by chapter 590 of the  
7 laws of 2008 and section 156.27 as added by chapter 89 of the laws of  
8 1993, are amended to read as follows:

9 1. computer data or a computer program so as to cause damages, to the  
10 computer tampered with or to any other computer affected by the tamper-  
11 ing, in an aggregate amount exceeding three thousand dollars; or

12 § 156.27 Computer tampering in the first degree.

13 A person is guilty of computer tampering in the first degree when he  
14 or she commits the crime of computer tampering in the fourth degree and  
15 he or she intentionally alters in any manner or destroys computer data  
16 or a computer program so as to cause damages, to the computer tampered  
17 with or to any other computer affected by the tampering, in an aggregate  
18 amount exceeding fifty thousand dollars.

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

20 § 4. This act shall take effect on the first of November next succeed-  
21 ing the date on which it shall have become a law.