

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2002-157
HOUSE BILL 1501**

AN ACT CONCERNING UNLAWFUL ACCESS OR DAMAGE TO A
GOVERNMENT COMPUTER OR CAUSING DENIAL OF SERVICE
AFFECTING A GOVERNMENT COMPUTER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-453 is amended by adding a new subdivision to read:

"(7a) "Government computer" means any computer, computer program, computer system, computer network, or any part thereof, that is owned, operated, or used by any State or local governmental entity."

SECTION 2. Article 60 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-453.1. Exceptions.

This Article does not apply to or prohibit:

- (1) Any terms or conditions in a contract or license related to a computer, computer network, software, computer system, database, or telecommunication device; or
- (2) Any software or hardware designed to allow a computer, computer network, software, computer system, database, information, or telecommunication service to operate in the ordinary course of a lawful business or that is designed to allow an owner or authorized holder of information to protect data, information, or rights in it."

SECTION 3. Article 60 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-453.2. Jurisdiction.

Any offense under this Article committed by the use of electronic communication may be deemed to have been committed where the electronic communication was originally sent or where it was originally received in this State. 'Electronic communication' means the same as the term is defined in G.S. 14-196.3(a)."

SECTION 4. Article 60 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-454.1. Accessing government computers.

(a) It is unlawful to willfully, directly or indirectly, access or cause to be accessed any government computer for the purpose of:

- (1) Devising or executing any scheme or artifice to defraud, or
- (2) Obtaining property or services by means of false or fraudulent pretenses, representations, or promises.

A violation of this subsection is a Class F felony.

(b) Any person who willfully and without authorization, directly or indirectly, accesses or causes to be accessed any government computer for any purpose other than those set forth in subsection (a) of this section is guilty of a Class H felony.

(c) Any person who willfully and without authorization, directly or indirectly, accesses or causes to be accessed any educational testing material or academic or vocational testing scores or grades that are in a government computer is guilty of a Class 1 misdemeanor.

(d) For the purpose of this section the phrase "access or cause to be accessed" includes introducing, directly or indirectly, a computer program (including a self-replicating or a self-propagating computer program) into a computer, computer program, computer system, or computer network."

SECTION 5. G.S. 14-455 is amended by adding a new subsection to read:

"(a1) It is unlawful to willfully and without authorization alter, damage, or destroy a government computer. A violation of this subsection is a Class F felony."

SECTION 6. Article 60 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-456.1. Denial of government computer services to an authorized user.

(a) Any person who willfully and without authorization denies or causes the denial of government computer services is guilty of a Class H felony. For the purposes of this section, the term "government computer service" means any service provided or performed by a government computer as defined in G.S. 14-454.1.

(b) This section also applies to denial of services effectuated by introducing, directly or indirectly, a computer program (including a self-replicating or a self-propagating computer program) into a computer, computer program, computer system, or computer network."

SECTION 7. This act becomes effective December 1, 2002, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 30th day of September, 2002.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:41 p.m. this 9th day of October, 2002