**A** **BILL**

TO AMEND SECTION 16‑16‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPUTER CRIME OFFENSES, SO AS TO INCLUDE IN THE PURVIEW OF THE OFFENSE OF COMPUTER CRIME IN THE FIRST DEGREE THAT IT IS UNLAWFUL FOR A PERSON TO DIRECTLY OR INDIRECTLY ACCESS A COMPUTER OR COMPUTER NETWORK WITHOUT PROPER AUTHORIZATION FOR THE PURPOSE OF OBTAINING AND RELEASING STATE OR FEDERAL CLASSIFIED OR CONFIDENTIAL INFORMATION TO THE PUBLIC IN AN ELECTRONIC FORMAT OR OTHER FORM OF MASS COMMUNICATION AND TO PROVIDE A PENALTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑16‑20(1) and (2) of the 1976 Code, as last amended by Act 339 of 2002, is further amended to read:

“(1) It is unlawful for a person to wilfully, knowingly, maliciously, and without authorization or for an unauthorized purpose to:

(a) directly or indirectly access or cause to be accessed a computer, computer system, or computer network for the purpose of:

(i) devising or executing a scheme or artifice to defraud;

(ii) obtaining money, property, or services by means of false or fraudulent pretenses, representations, promises; ~~or~~

(iii) obtaining and releasing to the public in electronic format, via the Internet, or in another form of mass communication, information which is classified or defined as confidential pursuant to state or federal law; or

(iv) committing any other crime~~.~~;

(b) alter, damage, destroy, or modify a computer, computer system, computer network, computer software, computer program, or data contained in that computer, computer system, computer program, or computer network or introduce a computer contaminant into that computer, computer system, computer program, or computer network.

(2)(a) A person is guilty of computer crime in the first degree if:

(i) the amount of gain directly or indirectly derived from the offense made unlawful by subsection (1) or the loss directly or indirectly suffered by the victim exceeds ten thousand dollars~~.~~; or

(ii) he violates the provisions of subsubitem (1)(a)(iii). (b) Computer crime in the first degree pursuant to subsubitem (2)(a)(i) is a felony and, upon conviction, a person must be fined not more than fifty thousand dollars or imprisoned not more than five years, or both. Computer crime in the first degree pursuant to subsubitem (2)(a)(ii) is a felony and, upon conviction, a person must be fined not more than one hundred thousand dollars or imprisoned not more than ten years, or both.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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