

April 5, 2001

**S 1048. COMPUTER HACKING. TO STRENGTHEN THE LAWS REGARDING COMPUTER-RELATED CRIME AND IDENTITY FRAUD, CREATE THE CRIMINAL OFFENSE OF LARCENY OF INTELLECTUAL PROPERTY, AND PROVIDE THAT A MINOR WHO IS A FIRST-TIME OFFENDER CHARGED WITH CERTAIN OFFENSES IS ELIGIBLE FOR DEFERRED PROSECUTION.** (1) Amends GS 14-454 (using computers to obtain educational testing materials unlawfully) to make violation a Class F felony if the action results in damage or loss of \$500 or more and a Class G felony if the damage is \$1,000 or more. Other violations are changed from Class 1 misdemeanor to Class A1. (2) Makes corresponding changes in GS 14-455 (damage to computer systems). (3) Adds new GS 14-75.2 making it a Class H felony to access any computer, computer program, computer system, or computer network that is owned, leased, or used in the course of business by a North Carolina business without permission, and making it a Class H felony to take intellectual property (defined as patentable materials, copyrighted materials, trademarks, software, and trade secrets, whether or not formal protection is sought). In both cases, permits a greater punishment if other statutes providing a greater punishment apply. (4) Amends GS 14-113.22 (concerning theft and fraudulent use of identifying information of another person) to raise the punishment from Class H felony to Class G, and to raise the punishment where the victim suffers arrest, detention, or conviction as a result of the fraud from a Class G felony to a Class F. (5) Adds new GS 143B-475.2 to provide that a minor who has no prior offenses and who commits an offense under GS 14-454 (using computers to obtain educational testing materials unlawfully), 14-455 (damage to computer systems), and 14-113.20 (theft and fraudulent use of identifying information of another person) is eligible for a deferred prosecution program. Effective Dec. 1, 2001.

**Intro. by Garrou.**

|                      |       |
|----------------------|-------|
| Ref. to Judiciary II | GS 14 |
|----------------------|-------|