

1 H.474

2 Introduced by Representative Mrowicki of Putney

3 Referred to Committee on

4 Date:

5 Subject: Crimes; computer crimes; extortion

6 Statement of purpose of bill as introduced: This bill proposes to establish the
7 crime of intent to extort by introducing ransomware and to create the
8 Cybercrime Study Committee.

9 An act relating to cybercrime

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 13 V.S.A. § 4105a is added to read:

12 § 4105a. EXTORTION; RANSOMWARE

13 (a)(1) A person who, with intent to extort money or pecuniary advantage,
14 shall not introduce ransomware on any computer system, computer network,
15 computer software, computer program, or data contained in such computer,
16 computer system, computer program, or computer network.

17 (2) A person is responsible for introducing ransomware into a computer
18 system, computer network, computer program or data contained in such
19 computer if the person directly places or introduces the ransomware or directs
20 or induces another person to do so, with the intent of demanding payment or

1 other consideration to remove the ransomware, restore access, or otherwise
2 remediate the impact of the ransomware.

3 (b) As used in this section:

4 (1) “Computer contaminant” means any set of computer instructions that
5 is designed to modify, damage, destroy, record, or transmit information within
6 a computer system, computer network, or computer software, computer
7 program, or data contained in such computer, without the intent or permission
8 of the owner of the information. It includes a group of computer instructions
9 commonly called viruses or worms, that are self-replicating or self-propagating
10 and are designed to contaminate other computer programs or computer data,
11 consume computer resources, modify, destroy, record, or transmit data, or in
12 some other fashion usurp the normal operation of the computer system,
13 computer network, computer software, computer program, or data contained in
14 such computer.

15 (2) “Ransomware” means a computer contaminant or lock placed or
16 introduced without authorization into a computer system, computer network,
17 computer software, computer program, or data contained in such computer that
18 restricts access by an authorized person to the computer system, computer
19 network, computer software, computer program, or data contained therein
20 under circumstances in which the person responsible for the placement or
21 introduction of the ransomware demands payment of money or other

1 consideration to remove the computer contaminant, restore access to the
2 computer system, computer network, computer software, computer program,
3 or data, or otherwise remediate the impact of the computer contaminant or
4 lock.

5 (c) Penalties. A person convicted of violating this section shall be:

6 (1) if the damage or loss does not exceed \$500.00 for a first offense,
7 imprisoned not more than one year or fined not more than \$5,000.00, or both;

8 (2) if the damage or loss does not exceed \$500.00 for a second or
9 subsequent offense, imprisoned not more than two years or fined not more than
10 \$10,000.00, or both; or

11 (3) if the damage or loss exceeds \$500.00, imprisoned not more than
12 10 years or fined not more than \$25,000.00, or both.

13 Sec. 2. CYBERCRIME; STUDY COMMITTEE

14 (a) Creation. There is created the CyberCrime Study Committee to study
15 and make recommendations on better prevention and enforcement of
16 computer-based crimes in the State.

17 (b) Membership. The Committee shall be composed of the following
18 10 members:

19 (1) the Chairs or designees of the House Committees on Commerce and
20 Economic Development, on Energy and Technology, and on Judiciary;

1 (2) the Chairs or designees of the Senate Committees on Economic

2 Development, Housing and General Affairs and on Judiciary;

3 (3) the Attorney General or designee;

4 (4) the Chief of the State Police;

5 (5) one representative from Vermont Businesses for Social

6 Responsibility, appointed by the Governor;

7 (6) one representative from the Vermont Chamber of Commerce,

8 appointed by the Governor; and

9 (7) one representative from the Vermont Public Interest Research

10 Group, appointed by the Governor.

11 (c) Powers and duties. The Committee shall study and make

12 recommendations on the prevention of and enforcement against computer-

13 based crimes, including the following issues:

14 (1) the number and types of cybercrime attacks that have occurred in the

15 State;

16 (2) whether current State law on computer crimes is sufficient to protect

17 Vermont residents from cybercrimes;

18 (3) how to enhance prevention and detection of cybercrimes; and

19 (4) ways to increase coordination among State and federal law

20 enforcement in the event of a cybercrime attack.

1 (d) Report. On or before December 15, 2017, the Committee shall submit a
2 written report to the House Committees on Commerce and Economic
3 Development, on Energy and Technology, and on Judiciary, and the Senate
4 Committees on Economic Development, Housing and General Affairs and on
5 Judiciary with its findings and any recommendations for legislative action.

6 (e) Meetings.

7 (1) The Attorney General shall call the first meeting of the Committee to
8 occur on or before July 15, 2017.

9 (2) The Committee shall select a chair from among its members at the
10 first meeting.

11 (3) The Committee shall cease to exist on June 30, 2018.

12 (f) Reimbursement. For attendance at meetings during adjournment of the
13 General Assembly, legislative members of the Committee shall be entitled to
14 per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
15 § 406 for no more than two meetings.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.