H.304

Introduced by Representative Mrowicki of Putney

Referred to Committee on

Date:

Subject: Crimes; computer crimes; extortion

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

An act relating to creating the crime of extortion by introducing ransomware

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

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

§ 4105a. EXTORTION; RANSOMWARE

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

(2) A person is responsible for introducing ransomware into a computer system, computer network, computer program or data contained in such computer if the person directly places or introduces the ransomware or directs
or induces another person to do so with the intent of demanding payment or
other consideration to remove the ransomware, restore access, or otherwise
remediate the impact of the ransomware.

(b) As used in this section:

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

(2) “Ransomware” means a computer contaminant or lock placed or
introduced without authorization into a computer system, computer network,
computer software, computer program, or data contained in such computer that
restricts access by an authorized person to the computer system, computer
network, computer software, computer program, or data contained therein
under circumstances in which the person responsible for the placement or
introduction of the ransomware demands payment of money or other
consideration to remove the computer contaminant, restore access to the
computer system, computer network, computer software, computer program,
or data, or otherwise remediate the impact of the computer contaminant or
lock.

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

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

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

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

Sec. 2. CYBERCRIME; STUDY COMMITTEE

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

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

(1) the Chairs or designees of the House Committees on Commerce and
    Economic Development, on Energy and Technology, and on Judiciary:
(2) the Chairs or designees of the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary;

(3) the Attorney General or designee;

(4) the Chief of the State Police;

(5) the Secretary of Digital Services or designee;

(6) one representative from Vermont Businesses for Social Responsibility, appointed by the Governor;

(7) one representative from the Vermont Chamber of Commerce, appointed by the Governor; and

(8) one representative from the Vermont Public Interest Research Group, appointed by the Governor.

(c) Powers and duties. The Committee shall study and make recommendations on the prevention of and enforcement against computer-based crimes, including the following issues:

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

(2) whether current State law on computer crimes is sufficient to protect Vermont residents from cybercrimes;

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

(4) ways to increase coordination among State and federal law enforcement in the event of a cybercrime attack.
(d) Report. On or before December 15, 2021, the Committee shall submit a written report to the House Committees on Commerce and Economic Development, on Energy and Technology, and on Judiciary and the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary with its findings and any recommendations for legislative action.

(e) Meetings.

(1) The Attorney General shall call the first meeting of the Committee to occur on or before July 15, 2021.

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

(3) The Committee shall cease to exist on June 30, 2022.

(f) Reimbursement. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than two meetings.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.