

**PROPOSED AMENDMENTS TO
SENATE BILL 377**

1 On page 1 of the printed bill, line 2, delete “163.700” and insert
2 “164.377”.

3 Delete lines 4 through 28 and insert:

4 **“SECTION 1.** ORS 164.377 is amended to read:

5 “164.377. (1) As used in this section:

6 “(a) To ‘access’ means to instruct, communicate with, store data in, re-
7 trieve data from or otherwise make use of any resources of a computer,
8 computer system or computer network.

9 “(b) ‘Computer’ means, but is not limited to, an electronic, magnetic, op-
10 tical electrochemical or other high-speed data processing device that per-
11 forms logical, arithmetic or memory functions by the manipulations of
12 electronic, magnetic or optical signals or impulses, and includes the compo-
13 nents of a computer and all input, output, processing, storage, software or
14 communication facilities that are connected or related to such a device in a
15 system or network.

16 “(c) ‘Computer network’ means, but is not limited to, the interconnection
17 of communication lines, including microwave or other means of electronic
18 communication, with a computer through remote terminals or a complex
19 consisting of two or more interconnected computers.

20 “(d) ‘Computer program’ means, but is not limited to, a series of in-
21 structions or statements, in a form acceptable to a computer, which permits
22 the functioning of a computer system in a manner designed to provide ap-

1 appropriate products from or usage of such computer system.

2 “(e) ‘Computer software’ means, but is not limited to, computer programs,
3 procedures and associated documentation concerned with the operation of a
4 computer system.

5 “(f) ‘Computer system’ means, but is not limited to, a set of related, con-
6 nected or unconnected, computer equipment, devices and software. ‘Computer
7 system’ also includes any computer, device or software owned or operated
8 by the Oregon State Lottery or rented, owned or operated by another person
9 or entity under contract to or at the direction of the Oregon State Lottery.

10 “(g) ‘Data’ means a representation of information, knowledge, facts, con-
11 cepts, computer software, computer programs or instructions. ‘Data’ may be
12 in any form, in storage media, or as stored in the memory of the computer,
13 or in transit, or presented on a display device. ‘Data’ includes, but is not
14 limited to, computer or human readable forms of numbers, text, stored voice,
15 graphics and images.

16 “(h) **‘Intimate image’ means a photograph, film, video, recording,**
17 **digital picture or other visual reproduction of a person whose intimate**
18 **parts are visible or who is engaged in sexual conduct.**

19 “(i) **‘Intimate parts’ means uncovered human genitals, pubic areas**
20 **or female nipples.**

21 “[*h*] (j) ‘Property’ includes, but is not limited to, financial instruments,
22 information, including electronically produced data, and computer software
23 and programs in either computer or human readable form, intellectual prop-
24 erty and any other tangible or intangible item of value.

25 “[*i*] (k) ‘Proprietary information’ includes any scientific, technical or
26 commercial information including any design, process, procedure, list of
27 customers, list of suppliers, customers’ records or business code or improve-
28 ment thereof that is known only to limited individuals within an organiza-
29 tion and is used in a business that the organization conducts. The
30 information must have actual or potential commercial value and give the

1 user of the information an opportunity to obtain a business advantage over
2 competitors who do not know or use the information.

3 “[*j*] (L) ‘Services’ [*include*] **includes**, but [*are*] **is** not limited to, com-
4 puter time, data processing and storage functions.

5 **“(m) ‘Sexual conduct’ means sexual intercourse or deviate sexual**
6 **intercourse, as those terms are defined in ORS 163.305, or**
7 **masturbation.**

8 “(2) Any person commits computer crime who knowingly accesses, at-
9 tempts to access or uses, or attempts to use, any computer, computer system,
10 computer network or any part thereof for the purpose of:

11 “(a) Devising or executing any scheme or artifice to defraud;

12 “(b) Obtaining money, property or services by means of false or fraudulent
13 pretenses, representations or promises; or

14 “(c) Committing theft, including, but not limited to, theft of proprietary
15 information **or theft of an intimate image.**

16 “(3) Any person who knowingly and without authorization alters, damages
17 or destroys any computer, computer system, computer network, or any com-
18 puter software, program, documentation or data contained in such computer,
19 computer system or computer network, commits computer crime.

20 “(4) Any person who knowingly and without authorization uses, accesses
21 or attempts to access any computer, computer system, computer network, or
22 any computer software, program, documentation or data contained in such
23 computer, computer system or computer network, commits computer crime.

24 “(5)(a) A violation of the provisions of subsection (2) or (3) of this section
25 shall be a Class C felony. Except as provided in paragraph (b) of this sub-
26 section, a violation of the provisions of subsection (4) of this section shall
27 be a Class A misdemeanor.

28 “(b) Any violation of this section relating to a computer, computer net-
29 work, computer program, computer software, computer system or data owned
30 or operated by the Oregon State Lottery or rented, owned or operated by

1 another person or entity under contract to or at the direction of the Oregon
2 State Lottery Commission shall be a Class C felony.”.

3 On page 2, delete lines 1 through 23.

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