

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 381 be amended to read as follows:

- 1 Page 23, between lines 3 and 4, begin a new paragraph and insert:
- 2 "SECTION 32. IC 35-43-1-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) As used in this
- 4 section:
- 5 **"Access" has the meaning set forth in IC 35-43-2-3.**
- 6 "Computer network" and "computer system" have the meanings set
- 7 forth in IC 35-43-2-3.
- 8 "Computer program" means an ordered set of instructions or
- 9 statements that, when executed by a computer, causes the computer to
- 10 process data.
- 11 "Data" means a representation of information, facts, knowledge,
- 12 concepts, or instructions that:
- 13 (1) may take any form, including computer printouts, magnetic
- 14 storage media, punched cards, or stored memory;
- 15 (2) has been prepared or is being prepared; and
- 16 (3) has been processed, is being processed, or will be processed;
- 17 in a computer system or computer network.
- 18 (b) A person who knowingly or intentionally alters or damages a
- 19 computer program or data, which comprises a part of a computer
- 20 system or computer network without the consent of the owner of the
- 21 computer system or computer network commits computer tampering,
- 22 a Class D felony. However, the offense is a:
- 23 (1) Class C felony if the offense is committed for the purpose of
- 24 terrorism; and
- 25 (2) Class B felony if the offense is committed for the purpose of

1 terrorism and results in serious bodily injury to a person.
 2 **(c) A person who knowingly or intentionally:**
 3 **(1) accesses a computer or a computer network without the**
 4 **consent of the owner of the computer or computer network;**
 5 **and**
 6 **(2) uses:**
 7 **(A) a modem connected to the computer or computer**
 8 **network; or**
 9 **(B) an Internet connection through the computer or**
 10 **computer network;**
 11 **to cause the owner or another person to incur a financial**
 12 **charge for a service not authorized by the owner or the other**
 13 **person;**
 14 **commits computer hijacking, a Class A misdemeanor. However,**
 15 **the offense is a Class D felony if the person has a prior unrelated**
 16 **conviction under this section or if the financial charge is greater**
 17 **than one thousand dollars (\$1,000).**

18 SECTION 33. [EFFECTIVE JULY 1, 2005] **IC 35-43-1-4, as**
 19 **amended by this act, applies only to crimes committed after June**
 20 **30, 2005."**

21 Renumber all SECTIONS consecutively.
 (Reference is to ESB 381 as printed April 5, 2005.)

Representative Orentlicher