

(1) A PERSON WHO VIOLATES SUBSECTION (C)(1) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OR (3) OF THIS SECTION:

(I) IF THE AGGREGATE AMOUNT OF THE LOSS IS \$10,000 OR MORE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; OR

(II) IF THE AGGREGATE AMOUNT OF THE LOSS IS LESS THAN \$10,000, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(E) COURSE OF CONDUCT.

ACCESS ACHIEVED IN VIOLATION OF THIS SECTION UNDER A SINGLE SCHEME OR A CONTINUING COURSE OF CONDUCT MAY BE CONSIDERED AS ONE VIOLATION.

(F) VENUE.

A COURT OF COMPETENT JURISDICTION MAY TRY A PERSON PROSECUTED UNDER THIS SECTION IN ANY COUNTY IN THIS STATE WHERE:

- (1) THE DEFENDANT PERFORMED THE ACT; OR
- (2) THE ACCESSED COMPUTER IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 146.

In subsection (a)(4)(ii) of this section, the phrase "with a computer" is substituted for the former phrase "in conjunction with that device or system" for clarity.

In subsection (a)(9) of this section, the former phrase "but is not limited to" is deleted as unnecessary in light of Art. 1, § 30.

In subsection (a)(11) of this section, the word "computer" is added to modify the terms "software" and "programs" for consistency with other terms that are defined in this section.

In the introductory language of subsection (c)(2) of this section, the cross-reference to a violation of paragraph (1) of this subsection is substituted for the former reiteration of prohibitions for brevity.

In subsection (c)(2)(ii) of this section, the reference to "computer software" is added for consistency with subsection (c)(1) of this section.

In subsection (e) of this section, the reference to "[a]ccess achieved in violation of this section" is substituted for the former itemization of various types of illegal access for clarity.