

HB 669 – Offenses Involving Computers (Similar SB 916)

This bill amends s. 784.048, F.S., expanding the definition of cyberstalking by including “to access, or attempt to access the online accounts or internet-connected home electronic systems of another person without that person's permission.” This expanded definition would impact multiple felonies in this statute involving willfully, maliciously, and repeatedly following, harassing, or cyberstalking:

- aggravated stalking, and makes a credible threat to that person (Level 6, 3rd degree felony)
- aggravated stalking, violation of injunction or court order (Level 7, 3rd degree felony)
- aggravated stalking of person under 16 (Level 6, 3rd degree felony)
- aggravated stalking; prohibited from contacting victim of s. 794.011, s. 800.04, or s. 847.0135(5), violation of court order (Level 7, 3rd degree felony)

This bill also amends s. 815.06, F.S., expanding the description of an offense against users of computers, computer systems, computer networks, or electronic devices if he or she willfully, knowingly, and without authorization” to include “or exceeding authorization.” This would impact the following felonies:

- accessing, knowing access is unauthorized; denial of the ability to transmit data; destroys, takes equipment or supplies; destroys, injures, or damages a network or device; introduces a computer contaminant; engages in audio or video surveillance of an individual by accessing any inherent feature or component (Level 1, 3rd degree felony)
- damages of at least \$5,000; any scheme or artifice to defraud or obtain property; interrupts or impairs a public service; interrupts transmittal of data, or gains unauthorized access to a device belonging to any mode of public or private transit (Level 4, 2nd degree felony)
- endangers human life; disruption that affects medical equipment used in the direct administration of medical care or treatment to a person (Level 7, 1st degree felony)

Per DOC, in FY 17-18, there were 138 (adj.) offenders sentenced for aggravated stalking and making a credible threat, and 44 (adj.) of these offenders were sentenced to prison (mean sentence length=35.6 m, incarceration rate: 31.9% adj.-31.8% unadj.). There were 179 (adj.) offenders sentenced for aggravated stalking, violation of injunction or court order, and 72 (adj.) of these offenders were sentenced to prison (mean sentence length=41.3 m, incarceration rate: 40.2% adj.-40.1% unadj.). Additionally, there were 11 (adj.) offenders sentenced for aggravated stalking of person under 16, and 5 (adj.) of these offenders were sentenced to prison (mean sentence length=30.6 m, incarceration rate: 45.5% adj.-50.0% unadj.). Finally, 4 (adj.) offenders sentenced for aggravated stalking, prohibited from contacting victim of sexual offender, and 3 (adj.) of these offenders were sentenced to prison (mean sentence length=34.7 m, incarceration rate: 75.0% adj.-75.0% unadj.). The number of offenders sentenced for

cyberstalking cannot be determined from the available data. Furthermore, it is not known how many additional offenders would be added with the expansion of the cyberstalking definition.

Per DOC, in FY 17-18, there were 9 (adj) offenders convicted for the Level 1, 3rd degree felony under s. 815.06, F.S. with no offenders receiving a prison sentence.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House