

**Senate Bill No. 390**

(By Senators Kessler (Acting President), Snyder, McCabe,  
Stollings, Beach, Klempa, Minard, Yost and Wells)

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[Introduced February 2, 2011; referred to the Committee on the  
Judiciary.]  
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A BILL to amend and reenact §61-3C-12 of the Code of West Virginia,  
1931, as amended, relating to creating a new crime of computer  
invasion of privacy where the invasion in question is of a  
personal nature; and providing a criminal penalty.

*Be it enacted by the Legislature of West Virginia:*

That §61-3C-12 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.**

**§61-3C-12. Computer invasion of privacy.**

(a) Any person who knowingly, willfully and without  
authorization accesses a computer or computer network and examines  
any employment, salary, credit or any other financial or personal  
information relating to any other person, after the time at which  
the offender knows or reasonably should know that he or she is  
without authorization to view the information displayed, ~~shall be~~  
is guilty of a misdemeanor, and, upon conviction thereof, shall be  
fined not more than \$500 or confined in ~~the county~~ jail for not

1 more than six months, or both.

2 (b) (1) Any person who knowingly, willfully, and without  
3 authorization accesses personal information of any other person, by  
4 use of a computer or web-enabled mobile device, after the time at  
5 which the offender knows or reasonably should know that he or she  
6 is without authorization to view the information displayed, is  
7 guilty of a misdemeanor, and, upon conviction thereof, shall be  
8 fined not more than \$500 or confined in jail for not more than six  
9 months, or both.

10 (2) For the purposes of this subsection, "personal  
11 information" includes any e-mail account, social networking  
12 account, or any personal computer file. For the purposes of this  
13 subsection, "web-enabled mobile device" includes any cell phone,  
14 text-messaging device, or mobile device that can access the  
15 Internet.

NOTE: The purpose of this bill is to create a new crime relating to the invasion of personal privacy on a computer.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.