

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 195**

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**Introduced by Assembly Member Chau**

January 28, 2015

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An act to amend Section 653f of the Penal Code, relating to computer crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 195, as amended, Chau. Unauthorized access to computer systems.

Existing law establishes various crimes related to computer services and systems. Existing law makes it a crime to knowingly, and without permission, access, cause to be accessed, or provide or assist in providing a means of accessing, a computer, computer system, computer network, or computer data in violation of prescribed provisions, and defines related terms.

Existing law makes it a crime for a person, with the intent that the crime be committed, to solicit another to commit or join in the commission of prescribed crimes.

This bill would expand these provisions to make it a crime for a person, with the intent that the crime be committed, to solicit another to commit or join in the commission of the access crimes related to computer services and systems. The bill would make it a crime to offer to obtain or procure assistance for another to obtain unauthorized access, or to assist others in locating hacking services, as defined. The bill would make a violation of this provision punishable by imprisonment

in a county jail for a term not to exceed 6 months, or imprisonment for a term not to exceed one year for subsequent violations.

By expanding the ~~definitions~~ scope of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 653f of the Penal Code is amended to  
2 read:

3 653f. (a) Every person who, with the intent that the crime be  
4 committed, solicits another to offer, accept, or join in the offer or  
5 acceptance of a bribe, or to commit or join in the commission of  
6 carjacking, robbery, burglary, grand theft, receiving stolen property,  
7 extortion, perjury, subornation of perjury, forgery, kidnapping,  
8 arson or assault with a deadly weapon or instrument or by means  
9 of force likely to produce great bodily injury, or, by the use of  
10 force or a threat of force, to prevent or dissuade any person who  
11 is or may become a witness from attending upon, or testifying at,  
12 any trial, proceeding, or inquiry authorized by law, shall be  
13 punished by imprisonment in a county jail for not more than one  
14 year or pursuant to subdivision (h) of Section 1170, or by a fine  
15 of not more than ten thousand dollars (\$10,000), or the amount  
16 which could have been assessed for commission of the offense  
17 itself, whichever is greater, or by both the fine and imprisonment.

18 (b) Every person who, with the intent that the crime be  
19 committed, solicits another to commit or join in the commission  
20 of murder shall be punished by imprisonment in the state prison  
21 for three, six, or nine years.

22 (c) Every person who, with the intent that the crime be  
23 committed, solicits another to commit rape by force or violence,  
24 sodomy by force or violence, oral copulation by force or violence,  
25 or any violation of Section 264.1, 288, or 289, shall be punished  
26 by imprisonment in the state prison for two, three, or four years.

1 (d) (1) Every person who, with the intent that the crime be  
2 committed, solicits another to commit an offense specified in  
3 Section 11352, 11379, 11379.5, 11379.6, or 11391 of the Health  
4 and Safety Code shall be punished by imprisonment in a county  
5 jail not exceeding six months. Every person who, having been  
6 convicted of soliciting another to commit an offense specified in  
7 this subdivision, is subsequently convicted of the proscribed  
8 solicitation, shall be punished by imprisonment in a county jail  
9 not exceeding one year, or pursuant to subdivision (h) of Section  
10 1170.

11 (2) This subdivision does not apply where the term of  
12 imprisonment imposed under other provisions of law would result  
13 in a longer term of imprisonment.

14 (e) Every person who, with the intent that the crime be  
15 committed, solicits another to commit an offense specified in  
16 Section 14014 of the Welfare and Institutions Code shall be  
17 punished by imprisonment in a county jail for not exceeding six  
18 months. Every person who, having been convicted of soliciting  
19 another to commit an offense specified in this subdivision, is  
20 subsequently convicted of the proscribed solicitation, shall be  
21 punished by imprisonment in a county jail not exceeding one year,  
22 or pursuant to subdivision (h) of Section 1170.

23 (f) (1) Every person who, with the intent that the crime be  
24 committed, solicits another to commit an offense set forth in  
25 Section 502 shall be punished as set forth in paragraph (3).

26 (2) Every person who, with the intent that the crime be  
27 committed, offers to solicit assistance for another to conduct  
28 activities in violation of Section 502 shall be punished as set forth  
29 in paragraph (3). This includes persons operating Internet Web  
30 sites that offer to assist others in locating hacking services. For the  
31 purposes of this section “hacking services” means assistance in  
32 the unauthorized access to computers, computer systems, or data  
33 in violation of Section 502.

34 (3) Every person who violates this subdivision shall be punished  
35 by imprisonment in a county jail for a period not to exceed six  
36 months. Every subsequent violation of this subdivision by that  
37 same person shall be punished by imprisonment in a county jail  
38 not exceeding one year.

39 (g) An offense charged in violation of subdivision (a), (b), or  
40 (c) shall be proven by the testimony of two witnesses, or of one

1 witness and corroborating circumstances. An offense charged in  
2 violation of subdivision (d), (e), or (f) shall be proven by the  
3 testimony of one witness and corroborating circumstances.

4 *(h) Nothing in this section precludes prosecution under any*  
5 *other law that provides for a greater punishment.*

6 SEC. 2. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.