

be inadvertently or maybe advertently applied to an individual, a young child playing with their computer who intentionally enters a system but not with any criminal intent. Senator Chambers also had some questions on whether criminal intent was necessary. And it is, in fact, necessary and I advised Senator Chambers that we could create that legislative history on the floor to make certain that there is no question that this is not intended to go after somebody who does not have a criminal intent in gaining access to a computer, whether it's done by accident or whether it's done by however. So, with the time that I have remaining, I would yield that to Senator Chambers so that he might create that legislative history and ask me whatever questions he needs to create that.

PRESIDENT MOUL: Thank you, Senator Lindsay. And I recognize Senator Chambers.

SENATOR CHAMBERS: Thank you, Madam Chair. And, Senator Lindsay, when you mentioned intent you said there has to be criminal intent which I do understand, but to take it a step further, does a person have to intend...does a person have to have a criminal motive for attempting to do this? Or is the mere attempt itself sufficient to require a constructive intent to be created?

SENATOR LINDSAY: You're referring...I'm a little lost, are you referring to crime of attempt or...?

SENATOR CHAMBERS: Let's say that I'm trying to access computer information...

SENATOR LINDSAY: Okay.

SENATOR CHAMBERS: ...but it's not to benefit myself financially or otherwise, it's not to harm the system that I penetrate and it's not to disseminate the information but merely to test my ability as a computer operator.

SENATOR LINDSAY: Right, and that's what I was referring to earlier. Senator Labeledz had raised that question, I believe, also. If we have some computer...kids that are learning how to use their computers, they might come upon a number that might be a bank, for example, but they might think it's a bulletin board where they're entitled to access it; if they intend to access the number but they do not intend to commit a crime or do not