



Sponsor Testimony: House Bill 20
Representative DJ Swearingen, 89th House District
House Criminal Justice Committee

Chairwoman Abrams, Vice Chair Williams, Ranking Member Brown and Members of the House Criminal Justice Committee, thank you for allowing me to provide sponsor testimony in favor of House Bill 20, the Ohio Computer Crimes Act.

The intent of this legislation is to reduce the frequency of cyber-crimes by updating and modernizing Ohio's computer crimes laws. This legislation is a follow-up to Senate Bill 220, enacted in the 132nd General Assembly, which provided an affirmative defense from civil action for businesses who proactively invest in a cybersecurity program. I am informed by former Representative Baldrige, that the FBI is reluctant to spend resources prosecuting cases in which the attempted theft was prevented. Prosecution of cybercriminals at the county level is also a challenge because current Ohio law is damages-based, meaning the value of the impacted computer-related items determines the severity of the penalty. The damages-based model is not reflective of the harm caused to businesses such as my local credit union during an attempted breach. To help Ohio prosecutors swiftly prosecute cybercriminals without trying to prove and calculate damages using limited and outdated statutes, House Bill 20 recognizes new categories of cybercrime and extends a variety of stricter charges for prosecutors to pursue. Of note, "computer contaminant" will be replaced by a general "malware" or "malicious software" definition that will not require us to keep up with the rapidly changing tools that can be used by a criminal to commit a hack.

Those negatively impacted by a breach, both private citizens and businesses, will be able to bring a civil action against a person convicted of violating the law and may receive compensatory damages, attorney fees or other equitable relief. There is protection in the bill for "white hat" or ethical hackers, who are paid to test the security of a company's firewall system. CyberOhio, a subsidiary of InnovateOhio, has in the past helped to include these protections in the bill.

As highlighted throughout the COVID-19 pandemic, bad actors will use a crisis as an opportunity to invade our privacy and steal our information. Attorney General Yost has highlighted this issue in his continued warning to Ohioans of scams and phishing schemes. This legislation has been crafted in conjunction with many interested parties to slow the onslaught of

cybercrimes that are so prevalent today. As technology continues to evolve, we need the ORC to continue to protect Ohioans online. Chairwoman Abrams, Vice Chair Williams, Ranking Member Brown and members of the committee, thank you for giving me an opportunity to share this legislation with you today and I would be happy to answer any questions you may have.