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**SENATE BILL 5106**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators O'Ban, Padden, Fain, and Roach

AN ACT Relating to creating a civil action for webcam unauthorized remote access; adding a new section to chapter 4.24 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that the proliferation of webcams raises serious privacy concerns. Webcams can be remotely activated, without the knowledge of the owner, by governments, businesses, or hackers. The legislature finds that readily available computer software can be used by hackers to trick unsuspecting victims into installing remote access trojans that provide the ability to remotely activate the webcam. The hackers then use the images to demand payment or other acts from the victims. The legislature further finds that current civil remedies for this breach of privacy are inadequate. The legislature intends to create a civil cause of action for the remote unauthorized access of webcams and provide remedies that more fully compensate victims.

NEW SECTION. **Sec.**  A new section is added to chapter 4.24 RCW to read as follows:

(1) In addition to any other civil or criminal remedy available, any person who owns, rents, or leases a computer or computer network shall have a cause of action against another person who gains unauthorized access to a webcam connected to the computer or computer network.

(2) The court may award general damages, special damages, punitive damages, injunctive relief, or other equitable relief. General damages, special damages, punitive damages, injunctive relief, or other equitable relief shall include any expenditure reasonably incurred by the plaintiff to verify that the computer or computer network was not damaged or altered by the access. The court may also award reasonable attorneys' fees to a prevailing plaintiff.

(3) For the purposes of bringing a civil cause of action under this section, a person who gains unauthorized access to a webcam connected to a computer or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer or computer network in each jurisdiction.

(4) For the purposes of this section:

(a) "Access" means to enable, turn on, communicate with, or otherwise use, intentionally and without authority, permission, or consent, a webcam owned, rented, or leased by another person.

(b) "Computer network" means any system that provides communications between one or more computers or computer systems and input/output devices including, but not limited to, display terminals, remote systems, mobile devices, and printers.

(c) "Webcam" means a video camera that feeds or streams its image to or through a computer or computer network.

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