

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: S3/4/97 S3/19/97

## A Bill

ACT 1153 OF 1997  
HOUSE BILL 1718

5 By: Representative Lynn  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED TITLE 5,  
10 CHAPTER 41 TO MAKE IT UNLAWFUL TO ENGAGE IN HARASSING OR  
11 THREATENING COMMUNICATIONS BY MEANS OF A COMPUTERIZED  
12 COMMUNICATION SYSTEM; AND FOR OTHER PURPOSES."

### Subtitle

14 "TO PENALIZE HARASSING OR THREATENING  
15 COMMUNICATIONS BY MEANS OF COMPUTERIZED  
16 COMMUNICATION SYSTEMS"  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Annotated § 5-41-102 is amended to read as  
22 follows:

23 "5-41-102. Definitions.

24 As used in this chapter, unless the context otherwise requires:

25 (1) Access means to instruct, communicate with, store data in, or  
26 retrieve data from a computer, computer system, or computer network;

27 (2) Computer means an electronic device that performs logical,  
28 arithmetic, and memory functions by manipulating electronic or magnetic  
29 impulses and includes all input, output, processing, storage, computer  
30 software, and communication facilities that are connected or related to that  
31 device in a system or a network;

32 (3) Computer network means the interconnection of communications lines  
33 with a computer through remote terminals or a complex consisting of two (2) or  
34 more interconnected computers;

35 (4) Computer program means a set of instructions, statements, or  
36 related data that, in actual or modified form, is capable of causing a

1 computer or a computer system to perform specified functions;

2 (5) Computer software means one (1) or more computer programs,  
3 existing in any form, or any associated operational procedures, manuals, or  
4 other documentation;

5 (6) Computer system means a set of related, connected, or unconnected  
6 computers, other devices, and software;

7 (7) Data means any representation of information, knowledge, facts,  
8 concepts, or instructions which are being prepared or have been prepared and  
9 are intended to be processed or stored, are being processed or stored, or have  
10 been processed or stored in a computer, computer network, or computer system;

11 (8) Financial instrument includes, but is not limited to, any check,  
12 draft, warrant, money order, note, certificate of deposit, letter of credit,  
13 bill of exchange, credit or debit card, transaction authorization mechanism,  
14 marketable security, or any computer system representation thereof;

15 (9) In this subchapter, message means any transfer of signs, signals,  
16 writing, images, sounds, data, or intelligence of any nature, or any transfer  
17 of a computer program.

18 ~~——(9)(10)~~ Property includes, but is not limited to, financial  
19 instruments, data, computer programs, documents associated with computers and  
20 computer programs, or copies thereof, whether tangible or intangible,  
21 including both human and computer readable data, and data while in transit;

22 ~~——(10)(11)~~ Services includes, but is not limited to, the use of a  
23 computer, a computer system, a computer network, computer software, a computer  
24 program, or data."

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26 SECTION 2. Unlawful computerized communications.

27 (a)(1) A person commits the offense of unlawful computerized  
28 communications if:

29 (A) With the purpose to frighten, intimidate, threaten,  
30 abuse, or harass another person, he sends a message to the person on an  
31 electronic mail or other computerized communication system and in that message  
32 threatens to cause physical injury to any person or damage to the property of  
33 any person; or

34 (B) With the purpose to frighten, intimidate, threaten,  
35 abuse, or harass another person, he sends a message on an electronic mail or  
36 other computerized communication system with the reasonable expectation that

1 the person will receive the message and in that message threatens to cause  
2 physical injury to any person or damage to the property of any person; or  
3 (C) With the purpose to frighten, intimidate, threaten,  
4 abuse, or harass another person, he sends a message to another person on an  
5 electronic mail or other computerized communication system and in that message  
6 uses any obscene, lewd, or profane language; or

7 (D) With the purpose to frighten, intimidate, threaten,  
8 abuse, or harass another person, he sends a message on an electronic mail or  
9 other computerized communication system with the reasonable expectation that  
10 the person will receive the message and in that message uses any obscene,  
11 lewd, or profane language.

12 (2) Unlawful computerized communications is a Class A  
13 misdemeanor.

14 (b)(1) The judicial officer in a court of competent jurisdiction shall  
15 upon pretrial release of the defendant enter an order consistent with Rules  
16 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice  
17 to defendant of penalties contained in Rule 9.5 of the Arkansas Rules of  
18 Criminal Procedure.

19 (2) This protective order shall remain in effect during the  
20 pendency of any appeal of a conviction under this section.

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22 SECTION 3. All provisions of this act of a general and permanent nature  
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 4. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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32 SECTION 5. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

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/s/Lynn

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APPROVED:4-07-97