

**ARKANSAS SENATE**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of Senate Bill No. 416**  
"AN ACT CONCERNING COMPUTER CRIMES."  
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**Amendment No. 2 to Senate Bill No. 416.**

Amend Senate Bill No. 416 as engrossed, S3/10/03:

Page 1, delete line 31 and substitute the following:  
"offenses.

SECTION 2. Arkansas Code § 5-27-601, concerning definitions for computer crimes against minors, is amended by adding additional subdivisions to read as follows:

(13) "Electronic mail" means an electronic message, file, data, or other information that is transmitted:

(A) Between two (2) or more computers, computer networks, or electronic terminals; or

(B) Within or between computer networks;

(14) "Electronic mail service provider" means a person who:

(A) Is an intermediary in the transmission of electronic mail from the sender to the recipient; or

(B) Provides to end users of electronic mail service the ability to send and receive electronic mail; and

(15) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and also the systems operated or services offered by libraries or educational institutions."

AND

Page 1, line 33, delete "SECTION 2." and substitute "SECTION 3."

AND

Page 2, line 16, delete "SECTION 3." and substitute "SECTION 4."

AND



Page 3, delete line 2 and substitute the following:

“SECTION 5. Arkansas Code Title 5, Chapter 27, Subchapter 6 is amended by adding an additional section to read as follows:

5-27-608. Applicability of this subchapter to interactive computer service and electronic mail service providers.

An interactive computer service or electronic mail service provider does not violate this subchapter when the interactive computer service or electronic mail service provider is an intermediary between the sender and the recipient in the transmission of an electronic mail that violates this subchapter.

SECTION 6. Arkansas Code Title 5, Chapter 41, Subchapter 1 is amended”

AND

Page 3, line 10, delete “SECTION 5.” and substitute “SECTION 7.”

AND

Page 3, line 23, delete “SECTION 6.” and substitute “SECTION 8.”

AND

Page 3, line 29, delete “SECTION 7.” and substitute “SECTION 9.”

AND

Page 3, line 35, delete “SECTION 8.” and substitute “SECTION 10.”

AND

Page 4, line 6, delete “SECTION 9.” and substitute “SECTION 11.”

AND

Page 4, line 14, delete “SECTION 10.” and substitute “SECTION 12.”

AND

Page 4, line 21, delete “SECTION 11.” and substitute “SECTION 13.”

AND

Page 4, line 27, delete “SECTION 12.” and substitute “SECTION 14.”

AND

Page 4, line 35, delete “SECTION 13.” and substitute “SECTION 15.”

AND

Page 5, line 7, delete “SECTION 14.” and substitute “SECTION 16.”

AND

Page 5, line 15, delete "SECTION 15." and substitute "SECTION 17."

AND

Page 5, line 23, delete "SECTION 16." and substitute "SECTION 18."

AND

Page 5, line 30, delete "SECTION 17." and substitute "SECTION 19."

AND

Page 6, line 2, delete "SECTION 18." and substitute "SECTION 20."

AND

Page 6, line 10, delete "SECTION 19." and substitute "SECTION 21."

AND

Page 6, line 17, delete "SECTION 20." and substitute "SECTION 22."

AND

Page 6, line 26, delete "SECTION 21." and substitute "SECTION 23."

AND

Page 6, line 34 delete "SECTION 22." and substitute "SECTION 24."

AND

Page 7, delete line 4 and substitute the following:  
"prohibited in § 5-27-605."

SECTION 25. Arkansas Code § 5-36-303 is amended to read as follows:  
5-36-303. Theft of wireless service.

(a) A person commits the offense of theft of wireless service if he or she intentionally obtains wireless service by the use of an unlawful wireless device or without the consent of the wireless service provider.

(b) Theft of wireless service is a Class A misdemeanor when the aggregate value of service obtained is five hundred dollars (\$500) or less, and a Class C felony when the aggregate value of service obtained is more than five hundred dollars (\$500) but less than twenty-five hundred dollars (\$2500). If the aggregate value of service is twenty-five hundred dollars (\$2500) or more, or if the conviction is for a second or subsequent offense, or if the person convicted of the offense has been previously convicted of any similar crime in this or any other state or federal jurisdiction, theft of wireless service is a Class B felony.

(c) Theft of wireless service is a Class C felony if the stolen service is used to communicate threats of damage or injury by bombing, fire or other means, in a manner likely to place another person in reasonable apprehension of physical injury to himself or another or of damage to his or her property or to the property of another or to create a public alarm.”

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Gullett  
LDH/MHF - 031420030749  
MHF390

\_\_\_\_\_  
Secretary