

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1944

4
5 By: Representative Adams
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For An Act To Be Entitled

8
9 AN ACT TO EXPAND COMPUTER CRIMES TO INCLUDE
10 CELLULAR TELEPHONES AND CELLULAR COMMUNICATION
11 NETWORKS; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO EXPAND COMPUTER CRIMES TO
15 INCLUDE CELLULAR TELEPHONES AND CELLULAR
16 COMMUNICATION NETWORKS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-41-201 is amended to read as follows:
22 5-41-201. Definitions.

23 For purposes of this subchapter:

24 (1) "Access" means to intercept, instruct, communicate with,
25 store data in, retrieve from, or otherwise make use of any resources of a
26 cellular telephone, cellular communications network, computer, network, or
27 data;

28 (2)(A) "Cellular Telephone" means any device used to transmit
29 information over a wireless transmission network.

30 (B) Cellular telephone includes, but is not limited to,
31 cellular phone, satellite phone, pager, personal communications device, or
32 facsimile machine;

33 (3) "Cellular Network" means the infrastructure that is used to
34 facilitate the transmission and reception of data in a wireless fashion;

35 ~~(2)(4)~~(A) "Computer" means an electronic, magnetic,
36 electrochemical, or other high-speed data-processing device performing



1 logical, arithmetic, or storage functions and includes any data storage
 2 facility or communications facility directly related to or operating in
 3 conjunction with the device.

4 (B) "Computer" also includes any on-line service, Internet
 5 service, local bulletin board, any electronic storage device, including a
 6 floppy disk or other magnetic storage device, or any compact disk that has
 7 read-only memory and the capacity to store audio, video, or written
 8 materials;

9
 10 ~~(3)~~(5)(A) "Computer contaminant" means any data, information,
 11 image, program, signal, or sound that is designed or has the capability to:

12 (i) Contaminate, corrupt, consume, damage, destroy,
 13 disrupt, modify, record, or transmit; or

14 (ii) Cause to be contaminated, corrupted, consumed,
 15 damaged, destroyed, disrupted, modified, recorded, or transmitted any other
 16 data, information, image, program, signal, or sound contained in a computer,
 17 system, or network without the knowledge or consent of the person who owns
 18 the other data, information, image, program, signal, or sound or the
 19 computer, system, or network.

20 (B) "Computer contaminant" includes, but is not limited
 21 to:

22 (i) A virus, worm, or Trojan horse; or

23 (ii) Any other similar data, information, image,
 24 program, signal, or sound that is designed or has the capability to prevent,
 25 impede, delay, or disrupt the normal operation or use of any component,
 26 device, equipment, system, or network;

27 ~~(4)~~(6) "Data" means a representation of any form of information,
 28 knowledge, facts, concepts, or instructions which is being prepared or has
 29 been formally prepared and is intended to be processed, is being processed,
 30 or has been processed in a system or network;

31 ~~(5)~~(7) "Encryption" means the use of any protection or
 32 disruptive measure, including, without limitation, cryptography, enciphering,
 33 encoding, or a computer contaminant to:

34 (A) Prevent, impede, delay, or disrupt access to any data,
 35 information, image, program, signal, or sound;

36 (B) Cause or make any data, information, image, program,

1 signal, or sound unintelligible or unusable; or

2 (C) Prevent, impede, delay, or disrupt the normal
3 operation or use of any component, device, equipment, system, or network;

4 ~~(6)~~(8) "Information service" means a service that is designed or
5 has the capability to generate, process, store, retrieve, convey, emit,
6 transmit, receive, relay, record, or reproduce any data, information, image,
7 program, signal, or sound by means of any component, device, equipment,
8 system, or network, including, but not limited to, by means of:

9 (A) A computer, computer system, computer network, modem,
10 or scanner;

11 (B) A telephone, cellular phone, satellite phone, pager,
12 personal communications device, or facsimile machine;

13 (C) Any type of transmitter or receiver; or

14 (D) Any other component, device, equipment, system, or
15 network that uses analog, digital, electronic, electromagnetic, magnetic, or
16 optical technology;

17 ~~(7)~~(9)(A) "Network" means a set of related, remotely connected
18 devices and facilities, including more than one (1) system, with the
19 capability to transmit data among any of the devices and facilities.

20 (B) "Network" includes, but is not limited to, a local,
21 regional, or global computer network;

22 ~~(8)~~(10) "Program" means an ordered set of data representing
23 coded instructions or statements which can be executed by a computer and
24 cause the computer to perform one (1) or more tasks;

25 ~~(9)~~(11) "Property" means anything of value and includes a
26 financial instrument, information, electronically produced data, program, and
27 any other tangible or intangible item of value;

28 ~~(10)~~(12) "Provider" means any person who provides an information
29 service;

30 ~~(11)~~(13) "Provider of Internet service" means any provider who
31 provides subscribers with access to the Internet or an electronic mail
32 address, or both; ~~and~~

33 ~~(12)~~(14) "System" means a set of related equipment, whether or
34 not connected, which is used with or for a computer; and

35 (15) "Terrorize" means to transmit threats via a cellular
36 telephone, cellular network, or computer in such a manner that would cause

1 the imminent apprehension of harm in a reasonable person.

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3 SECTION 2. Arkansas Code § 5-41-202 is amended to read as follows:

4 5-41-202. Unlawful acts regarding cellular telephones or computers.

5 (a) A person commits an unlawful act regarding a cellular telephone,
6 cellular network or computer if the person knowingly and without
7 authorization:

8 (1) Modifies, damages, destroys, discloses, uses, transfers,
9 conceals, takes, retains possession of, copies, obtains or attempts to obtain
10 access to, permits access to or causes to be accessed, or enters data or a
11 program which exists inside or outside a cellular telephone, cellular
12 network, computer, system, or network;

13 (2) Modifies, destroys, uses, takes, damages, transfers,
14 conceals, copies, retains possession of, obtains or attempts to obtain access
15 to, permits access to or causes to be accessed, equipment or supplies that
16 are used or intended to be used in a cellular telephone, cellular network,
17 computer, system, or network;

18 (3) Destroys, damages, takes, alters, transfers, discloses,
19 conceals, copies, uses, retains possession of, obtains or attempts to obtain
20 access to, permits access to or causes to be accessed, a cellular telephone,
21 cellular network, computer, system, or network;

22 (4) Obtains and discloses, publishes, transfers, or uses a device
23 used to access a cellular telephone, cellular network, computer, network, or
24 data; or

25 (5) Introduces, causes to be introduced, or attempts to
26 introduce a computer contaminant into a cellular telephone, cellular network,
27 computer, system, or network.

28 (b) An unlawful act regarding a cellular telephone, cellular network,
29 or computer is a Class A misdemeanor.

30 (c) An unlawful act regarding a cellular telephone, cellular network,
31 or computer shall be a Class C felony if the act:

32 (1) Was committed to devise or execute a scheme to defraud or
33 illegally obtain property;

34 (2) Caused damage in excess of five hundred dollars (\$500); ~~or~~

35 (3) Caused an interruption or impairment of a public service,
36 including, without limitation, a governmental operation, a system of public

1 communication or transportation, or a supply of water, gas, or electricity;
2 or

3 (4) Was committed in an effort to terrorize any business,
4 governmental entity, or person.

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6 SECTION 3. Arkansas Code § 5-41-203(c), concerning penalties for
7 unlawful interference with access to computers, is amended to read as
8 follows:

9 (c) If the violation of subsection (a) or (b) of this section was
10 committed to devise or execute a scheme to defraud or illegally obtain
11 property, the person is guilty of a Class G D felony.

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