



*Arkansas
Sentencing
Commission*

**Impact Assessment for SB493
Sponsored by Senator Sanders**

Subtitle TO AMEND THE DEFINITION OF COMPUTER FRAUD TO INCLUDE EXTORTION USING RANSOMWARE.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year.

Change from current law² Amends Arkansas Code Annotated § 5-41-103, Computer fraud, to add “extortion” to the title and add a new course of conduct by which a person can commit the offense. Under current law, a person commits the offense of computer fraud if he or she intentionally accesses or causes to be accessed any computer, computer system, computer network, or any part of a computer, computer system, or computer network for the purpose of devising or executing any scheme or artifice to defraud or extort, or obtaining money, property, or a service with a false or fraudulent intent, representation, or promise. Under the proposed bill, a person commits the offense of computer fraud or extortion if he or she knowingly introduces or installs or causes to be introduced or installed on another person’s computer, computer system, or computer network ransomware with the purpose to defraud or extort money, property, or a service from another person. The penalty for A.C.A. § 5-41-103, Computer fraud, remains a Class D felony.

The proposed bill also adds a definition of ransomware to A.C.A. § 5-41-102.

Impact Information

Because the proposed bill adds a new course of conduct by which a person can commit computer fraud, data does not exist as to the number of occurrences of the new course of conduct. However, due to the very small number of offenders incarcerated under the statute as currently written, the projected impact is minimal.

The Administrative Office of the Courts reports that for the three year period beginning January 1, 2013, and ending December 31, 2015, there were 26 convictions for a violation of A.C.A. § 5-41-103, Computer fraud, Class D felony, as currently written.

The Arkansas Department of Correction reports that as of March 1, 2017, there are two (2) inmates serving a sentence for A.C.A. § 5-41-103, Computer fraud, Class D felony as currently written.

¹ This impact assessment was prepared (3/6/2017, 4:02 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500