

**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 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

HOUSE BILL 1231

5 By: Representative Hunt  
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7

## For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
10 CONCERNING COMPUTER-RELATED CRIMES TO DEFINE  
11 AGGRAVATED COMPUTER TRESPASS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO AMEND VARIOUS SECTIONS OF THE  
14 ARKANSAS CODE CONCERNING COMPUTER-  
15 RELATED CRIMES TO DEFINE AGGRAVATED  
16 COMPUTER TRESPASS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code 5-41-102, concerning computer-related crimes,  
23 is amended to read as follows:

24 5-41-102. Definitions.

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

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

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

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

36 (4) "Computer program" means a set of instructions, statements,

1 or related data that, in actual or modified form, is capable of causing a  
2 computer or a computer system to perform specified functions;

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

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

8 (7) "Computer virus" means any computer instruction, information,  
9 data or program that degrades the performance of a computer resource;  
10 disables, damages or destroys a computer resource; or attaches itself to  
11 another computer resource and executes when the host computer program, data or  
12 instruction is executed or when some other event takes place in the host  
13 computer resource, data or instruction;

14 ~~(7)~~(8) "Data" means any representation of information, knowledge,  
15 facts, concepts, or instructions which are being prepared or have been  
16 prepared and are intended to be processed or stored, are being processed or  
17 stored, or have been processed or stored in a computer, computer network, or  
18 computer system;

19 ~~(8)~~(9) "Financial instrument" includes, but is not limited to,  
20 any check, draft, warrant, money order, note, certificate of deposit, letter  
21 of credit, bill of exchange, credit or debit card, transaction authorization  
22 mechanism, marketable security, or any computer system representation thereof;

23 ~~(9)~~(10) In this subchapter, "message" means any transfer of  
24 signs, signals, writing, images, sounds, data, or intelligence of any nature,  
25 or any transfer of a computer program.

26 ~~(10)~~(11) "Property" includes, but is not limited to, financial  
27 instruments, data, computer programs, documents associated with computers and  
28 computer programs, or copies thereof, whether tangible or intangible,  
29 including both human and computer readable data, and data while in transit;

30 ~~(11)~~(12) "Services" includes, but is not limited to, the use of a  
31 computer, a computer system, a computer network, computer software, a computer  
32 program, or data.

33  
34 SECTION 2. Arkansas Code 5-41-104, concerning computer-related crimes,  
35 is amended to read as follows:

36 5-41-104. Computer trespass.

1 (a)(1) Any person commits computer trespass who intentionally and  
2 without authorization accesses, alters, deletes, damages, destroys, or  
3 disrupts any computer, computer system, computer network, computer program, or  
4 data.

5 ~~(b)(2)~~ Computer trespass is a Class C misdemeanor if it is a first  
6 violation which does not cause any loss or damage.

7 ~~(c)(3)~~ Computer trespass is a Class B misdemeanor if:

8 ~~(1)(A)~~ It is a second or subsequent violation which does not  
9 cause any loss or damage; or

10 ~~(2)(B)~~ It is a violation which causes loss or damage of less than  
11 five hundred dollars (\$500).

12 ~~(d)(4)~~ Computer trespass is a Class A misdemeanor if it is a violation  
13 which causes loss or damage of five hundred dollars (\$500) or more, but less  
14 than two thousand five hundred dollars (\$2,500).

15 ~~(e)(5)~~ Computer trespass is a Class D felony if it is a violation which  
16 causes loss or damage of two thousand five hundred dollars (\$2,500) or more.

17 (b)(1) Any person commits aggravated computer trespass who  
18 intentionally, knowingly and without authorization:

19 (A) Introduces or allows the introduction of a computer  
20 virus into any computer system, network or resource; or

21 (B) Publishes a password, identifying code, personal  
22 identification number or other confidential information about a computer,  
23 computer system, computer network or data base.

24 (2) Aggravated computer trespass is a Class D felony.

25  
26 SECTION 3. Arkansas Code 5-41-106(a), concerning computer-related  
27 crimes, is amended to read as follows:

28 (a) Any person whose property or person is injured by reason of a  
29 violation of any provision of this chapter may sue therefor and recover for  
30 any damages sustained and the costs of suit. Without limiting the generality  
31 of the term, "damages" shall include loss of profits for the time that the  
32 system was not usable, the cost of repairing or replacing the system or any of  
33 its components, and the cost of replacing or restoring any lost or damaged  
34 data.