

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

A Bill

SENATE BILL 965

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5 By: Senator Everett
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 5-41-103 AND 5-41-104 TO
10 REVISE AND UPDATE THE CRIMINAL OFFENSES OF COMPUTER
11 FRAUD AND COMPUTER TRESPASS TO INCLUDE INTERNET
12 SERVICE PROVIDERS AND COMPUTER VIRUSES AND TO INCREASE
13 THE PENALTIES FOR THOSE OFFENSES; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16 TO REVISE THE CRIMINAL OFFENSES OF
17 COMPUTER FRAUD AND TRESPASS TO INCLUDE
18 THE INTERNET AND COMPUTER VIRUSES AND TO
19 INCREASE THE PENALTIES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 5-41-103 is amended to read as follows:

26 5-41-103. Computer fraud.

27 (a) Any person commits computer fraud who ~~intentionally~~ knowingly
28 accesses or causes to be accessed any computer, computer system, computer
29 network, internet service provider, or any part thereof for the purpose of:

30 (1) Devising or executing any scheme or artifice to defraud or
31 extort; or

32 (2) Obtaining money, property, or services with false or
33 fraudulent intent, representations, or promises.

34 (b) Computer fraud is a ~~Class D felony~~;

35 (1) Class C felony if the amount of the loss is less than two
36 thousand five hundred dollars (\$2,500); or

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1 (2) Class B felony if the amount of the loss is two thousand five
 2 hundred dollars (\$2,500) or more.

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 4 SECTION 2. Arkansas Code 5-41-104 is amended to read as follows:

5 5-41-104. Computer trespass.

6 (a) Any person commits computer trespass who ~~intentionally and without~~
 7 ~~authorization accesses, alters, deletes, damages, destroys, or disrupts any~~
 8 ~~computer, computer system, computer network, computer program, or data~~
 9 knowingly and without authorization of the owner or an authorized user,
 10 directly or indirectly by the internet or other remote means, accesses,
 11 copies, alters, deletes, damages, destroys, disrupts, or inserts, uploads, or
 12 downloads, or who in any manner knowingly transfers anything commonly
 13 considered a computer virus to, or who exercises unauthorized control, as used
 14 in the theft statutes, over:

15 (1) Any storage media, including, but not limited to, floppy
 16 disks, hard disks, high capacity disks, magnetic data tapes, CD-ROMs,
 17 optically readable disks, or any other similar storage media which technology
 18 may later devise;

19 (2) Any data, stored information, computer program, computer,
 20 computer system, computer network, or internet service provider.

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

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

24 ~~(1) It is a second or subsequent violation which does not cause~~
 25 ~~any loss or damage; or~~

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

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

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

33 (1) Class A misdemeanor if no data or other information is copied
 34 or viewed and no disruption of, or damage to the computer, its data, programs,
 35 or the system occurs;

36 (2) Class D felony if information is knowingly viewed, but no

1 data, programs, or systems were copied, damaged, or otherwise disrupted;

2 (3) Class C felony if:

3 (A) Information, data, or programs are copied, altered,
4 deleted, damaged, destroyed, disrupted, or if a computer virus is knowingly
5 allowed or introduced into the computer, computer system, computer network, or
6 internet service provider of another;

7 (B) A computer, computer system, computer network, or
8 internet service provider suffers any damage or disruption;

9 (C) Information is viewed which is:

10 (i) Protected by attorney confidentiality or
11 attorney-client privilege;

12 (ii) Protected by the physician-patient or the
13 psychotherapist-patient privilege;

14 (iii) A financial record held by a financial
15 institution, creditor, or accountant; or

16 (iv) A trade secret or other intellectual property;
17 or

18 (4) Class B felony if information or data is copied, altered,
19 deleted, damaged or destroyed, or the information is:

20 (A) Protected by attorney confidentiality or attorney-
21 client privilege;

22 (B) Protected by the physician-patient or the
23 psychotherapist-patient privilege;

24 (C) A financial record held by a financial institution,
25 creditor, or accountant; or

26 (D) A trade secret or other intellectual property.

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