

HOUSE CS FOR CS FOR SENATE BILL NO. 259(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/19/00

Referred: Finance

Sponsor(s): SENATOR TAYLOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to crimes and offenses relating to aural representations,
2 recordings, access devices, identification documents, impersonation, false reports, and
3 computers; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * **Section 1.** AS 11.41.455(a) is amended to read:

6 (a) A person commits the crime of unlawful exploitation of a minor if, in the
7 state and with the intent of producing a live performance, film, audio, video,
8 electronic, or electromagnetic recording, photograph, negative, slide, book,
9 newspaper, magazine, or other [PRINTED] material that visually or aurally depicts
10 the conduct listed in (1) - (7) of this subsection, the person knowingly induces or
11 employs a child under 18 years of age to engage in, or photographs, films, records, or
12 televises a child under 18 years of age engaged in, the following actual or simulated
13 conduct:

14 (1) sexual penetration;

8 * Sec. 2. AS 11.41.455(b) is amended to read:

16 * Sec. 3. AS 11.46.140(a) is amended to read:

17 (a) A person commits the crime of theft in the third degree if the person
18 commits theft as defined in AS 11.46.100 and

26 * Sec. 4. AS 11.46.285 is amended to read:

Sec. 11.46.285. Fraudulent use of an access device [A CREDIT CARD].

28 (a) A person commits the crime of fraudulent use of an access device [A CREDIT
29 CARD] if, with intent to defraud, the person uses an access device [A CREDIT
30 CARD] to obtain property or services with knowledge that

31 (1) the **access device** [CARD] is stolen or forged;

1 (2) the access device [CARD] is expired or has been revoked or
2 cancelled; or

3 (3) for any other reason, that person's use of the access device [CARD]
4 is unauthorized by either the issuer or the person to whom the access device [CREDIT
5 CARD] is issued.

6 (b) Fraudulent use of an access device [A CREDIT CARD] is
7 (1) a class B felony if the value of the property or services obtained
8 is \$25,000 or more;

15 * Sec. 5. AS 11.46.290 is amended to read:

Sec. 11.46.290. Obtaining an access device or identification document [A CREDIT CARD] by fraudulent means. (a) A person commits the crime of obtaining an access device or identification document [A CREDIT CARD] by fraudulent means if

(1) the person buys an access device or identification document [A CREDIT CARD] from a person other than the issuer or, as other than the issuer, the person sells an access device or identification document [A CREDIT CARD];

(2) with intent to defraud, the person obtains **an access device or identification document** [CONTROL OF A CREDIT CARD AS A SECURITY FOR DEBT]; or

(3) with intent to defraud, the person makes a false statement in an application for **an access device or identification document** [A CREDIT CARD].

(b) [OBTAINING A CREDIT CARD BY FRAUDULENT MEANS UNDER (a)(1) OR (2) OF THIS SECTION IS A CLASS C FELONY.] Obtaining an access device or identification document [A CREDIT CARD] by fraudulent means [UNDER (a)(3) OF THIS SECTION] is a class A misdemeanor.

1 * **Sec. 6.** AS 11.46 is amended by adding a new section to read:

2 **Sec. 11.46.565. Criminal impersonation in the first degree.** (a) A person
3 commits the crime of criminal impersonation in the first degree if the person

4 (1) possesses an access device or identification document of another
5 person;

6 (2) without authorization of the other person, uses the access device or
7 identification document of another person to obtain a false identification document,
8 open an account at a financial institution, obtain an access device, or obtain property
9 or services; and

10 (3) recklessly damages the financial reputation of the other person.

11 (b) Criminal impersonation in the first degree is a class B felony.

12 * **Sec. 7.** AS 11.46.570 is amended to read:

13 **Sec. 11.46.570. Criminal impersonation in the second degree.** (a) A person
14 commits the crime of criminal impersonation **in the second degree** if the person

15 (1) assumes a false identity and does an act in the assumed character
16 with intent to defraud, **commit a crime, or obtain a benefit to which the person is**
17 **not entitled**; or

18 (2) pretends to be a representative of some person or organization and
19 does an act in the pretended capacity with intent to defraud, **commit a crime, or**
20 **obtain a benefit to which the person is not entitled**.

21 (b) Criminal impersonation **in the second degree** is a class A misdemeanor.

22 * **Sec. 8.** AS 11.46.630(b)(1) is amended to read:

23 (1) "business record" means a writing, **recording**, or article kept or
24 maintained by an enterprise for the purpose of evidencing or reflecting its condition
25 or activity;

26 * **Sec. 9.** AS 11.46.710(c) is amended to read:

27 (c) **Except as provided in (d) of this section, deceptive** [DECEPTIVE]
28 business practices is a class A misdemeanor.

29 * **Sec. 10.** AS 11.46.710 is amended by adding a new subsection to read:

30 (d) Deceptive business practices is a class C felony if the person uses the
31 Internet or a computer network to commit the offense. In this subsection, "Internet"

1 means the combination of computer systems or networks that make up the international
2 network for interactive communications services, including remote logins, file transfer,
3 electronic mail, and newsgroups.

4 * Sec. 11. AS 11.46.740(a) is amended to read:

11 (1) obtains information concerning a person; [OR]

(2) introduces false information into a computer, computer system, **computer program**, or computer network with the intent to damage or enhance the data record **or the financial reputation** of a person;

(3) introduces false information into a computer, computer system, computer program, or computer network and, with criminal negligence, damages or enhances the data record or the financial reputation of a person;

18 (4) obtains proprietary information of another person;

(5) obtains information that is only available to the public for a fee;

(7) encrypts or decrypts data.

25 * Sec. 12. AS 11.46.740 is amended by adding a new subsection to read:

* Sec. 13. AS 11.46.990 is amended by adding a new paragraph to read:

31 (14) "financial reputation" means a person's

5 * Sec. 14. AS 11.56.800(a) is amended to read:

6 (a) A person commits the crime of making a false report if the person
7 knowingly

10 (2) makes a false report to a peace officer that a crime has occurred or
11 is about to occur;

15 (4) makes a false report to the Department of Natural Resources under
16 AS 46.17 concerning the condition of a dam or reservoir.

17 * Sec. 15. AS 11.61.125(d) is amended to read:

22 * Sec. 16. AS 11.81.900(b)(48) is amended to read:

1 * Sec. 17. AS 11.81.900(b) is amended by adding new paragraphs to read:

2 (61) "access device" means a card, credit card, plate, code, account
3 number, algorithm, or identification number, including a social security number,
4 electronic serial number, or password, that is capable of being used, alone or in
5 conjunction with another access device or identification document, to obtain property
6 or services, or that can be used to initiate a transfer of property;

(62) "identification document" means a paper, instrument, or other article used to establish the identity of a person; "identification document" includes a social security card, driver's license, non-driver's identification, birth certificate, passport, employee identification, or hunting or fishing license.

11 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section
12 to read:

13 APPLICABILITY. This Act applies to acts and offenses committed or completed on
14 or after the effective date of this Act.

15 * Sec. 19. This Act takes effect immediately under AS 01.10.070(c).