

**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;

- 1 (2) the lewd touching of another person's genitals, anus, or breast;  
 2 (3) the lewd touching by another person of the child's genitals, anus,  
 3 or breast;  
 4 (4) masturbation;  
 5 (5) bestiality;  
 6 (6) the lewd exhibition of the child's genitals; or  
 7 (7) sexual masochism or sadism.

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

9 (b) A parent, legal guardian, or person having custody or control of a child  
 10 under 18 years of age commits the crime of unlawful exploitation of a minor if, in the  
 11 state, the person permits the child to engage in conduct described in (a) of this section  
 12 knowing that the conduct is intended to be used in producing a live performance, film,  
 13 audio, **video, electronic, or electromagnetic** recording, photograph, negative, slide,  
 14 book, newspaper, magazine, or other [PRINTED] material that visually **or aurally**  
 15 depicts the conduct.

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  
 19 (1) the value of the property or services is \$50 or more but less than  
 20 \$500;  
 21 (2) the property is **an access device** [A CREDIT CARD]; or  
 22 (3) the value of the property is less than \$50 and, within the past five  
 23 years, the person has been convicted and sentenced on two or more separate occasions  
 24 in this or another jurisdiction of theft or concealment of merchandise, or an offense  
 25 under another law or ordinance with similar elements.

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

27 **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;

(2) the access device [CARD] is expired or has been revoked or cancelled; or

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

(b) Fraudulent use of an access device [A CREDIT CARD] is

(1) a class B felony if the value of the property or services obtained is \$25,000 or more;

(2) a class C felony if the value of the property or services obtained is \$500 or more but less than \$25,000;

(3) [(2)] a class A misdemeanor if the value of the property or services obtained is \$50 or more but less than \$500;

(4) [(3)] a class B misdemeanor if the value of the property or services obtained is less than \$50.

\* 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A person commits the offense of criminal use of a computer if, having no right to do so or any reasonable ground to believe the person has such a right, the person knowingly accesses, [OR] causes to be accessed, or exceeds the person's authorized access to a computer, computer system, computer program, computer network, or any part of a computer system or network, and, as a result of or in the course of that access,

(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;

(4) obtains proprietary information of another person;

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

(6) introduces instructions, a computer program, or other information that tampers with, disrupts, disables, or destroys a computer, computer system, computer program, computer network, or any part of a computer system or network; or

(7) encrypts or decrypts data.

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

(c) In this section, "proprietary information" means scientific, technical, or commercial information, including a design, process, procedure, customer list, supplier list, or customer records that the holder of the information has not made available to the public.

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

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

(A) ability to obtain a loan from a financial institution, open an account with a financial institution, obtain property or services on credit, or obtain an access device; or

(B) creditworthiness in a credit report.

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

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

(1) gives false information to a peace officer with the intent of implicating another in **an offense** [A CRIME];

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

(3) makes a false report or gives a false alarm that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur; or

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

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

(d) In this section, "distribution" includes delivering, selling, renting, leasing, lending, giving, circulating, exhibiting, presenting, providing, [AND] exchanging, **and placing on a computer network or computer system,** whether or not for monetary or other consideration.

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

(48) "property" means an article, substance, or thing of value, including money, tangible and intangible personal property including data or information stored in a computer program, system, or network, real property, **an access device** [A CREDIT CARD], a domestic pet or livestock regardless of value, choses-in-action, and evidence of debt or of contract; a commodity of a public utility such as gas, electricity, steam, or water constitutes property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits, or other equipment is considered a rendition of a service rather than a sale or delivery of property;

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;

7                     (62) "identification document" means a paper, instrument, or other  
8     article used to establish the identity of a person; "identification document" includes a  
9     social security card, driver's license, non-driver's identification, birth certificate,  
10    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).