

CS FOR SENATE BILL NO. 259(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/21/00
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;

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;**

9 (2) a class C felony if the value of the property or services obtained is
10 \$500 or more **but less than \$25,000;**

11 (3) [(2)] a class A misdemeanor if the value of the property or services
12 obtained is \$50 or more but less than \$500;

13 (4) [(3)] a class B misdemeanor if the value of the property or services
14 obtained is less than \$50.

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

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

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

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

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

28 (b) [OBTAINING A CREDIT CARD BY FRAUDULENT MEANS UNDER
29 (a)(1) OR (2) OF THIS SECTION IS A CLASS C FELONY.] Obtaining **an access**
30 **device or identification document** [A CREDIT CARD] by fraudulent means [UNDER
31 (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) with criminal negligence, damages the financial reputation of the
11 other person.

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

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

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

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

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

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

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

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

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

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

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

31 (d) Deceptive business practices is a class C felony if the person uses the

1 Internet or a computer network to commit the offense. In this subsection, "Internet"
 2 means the combination of computer systems or networks that make up the international
 3 network for interactive communications services, including remote logins, file transfer,
 4 electronic mail, and newsgroups.

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

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

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

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

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

19 (4) **obtains proprietary information of another person;**

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

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

25 (7) **encrypts or decrypts data.**

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

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

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

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

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

5 (B) creditworthiness in a credit report.

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

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

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

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

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

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

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

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

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

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

1 property;

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

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

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

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

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

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