

Introduced: 3/27/81
Referred: Judiciary

1 IN THE HOUSE

BY MARTIN AND ROGERS

2 HOUSE BILL NO. 419

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to computer crime."

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

8 * Section 1. AS 11.46 is amended by adding new sections to article 5 to
9 read:

10 Sec. 11.46.800. OFFENSES AGAINST INTELLECTUAL PROPERTY. (a) A
11 person commits an offense against intellectual property if he knowingly
12 without authorization modifies, destroys, uses, takes or discloses
13 data, a computer program, or supporting documentation existing in or
14 outside a computer, a computer system, or a computer network.

15 (b) Except as provided in (c) of this section an offense against
16 intellectual property is a class A misdemeanor.

17 (c) An offense against intellectual property is a class C felony
18 if

19 (1) the offense was committed for the purpose of obtaining
20 property of another by deception;

21 (2) the damage to the intellectual property is \$5,000 or
22 more; or

23 (3) the offense results in an interruption or impairment of
24 a governmental operation or a public service.

25 Sec. 11.46.810. OFFENSES AGAINST COMPUTER EQUIPMENT. (a) A
26 person commits an offense against computer equipment if he knowingly
27 without authorization modifies, destroys, uses, takes, or damages
28 equipment or supplies used or intended to be used in a computer, a com-
29 puter system, or a computer network.

1 (b) Except as provided in (c) of this section an offense against
2 computer equipment is a class A misdemeanor.

3 (c) An offense against computer equipment is a class C felony if

4 (1) the offense was committed for the purpose of obtaining
5 property of another by deception;

6 (2) the damage to the computer equipment or supplies is
7 \$5,000 or more; or

8 (3) the offense results in an interruption of a governmental
9 operation or a public service.

10 Sec. 11.46.820. OFFENSES AGAINST COMPUTER USERS. (a) A person
11 commits an offense against a computer user if he

12 (1) knowingly without authorization denies or causes the
13 denial of computer system services to an authorized user of those
14 services; or

15 (2) fails to exercise a reasonable standard of care to
16 protect data, a computer, a computer system, or a computer network from
17 the offenses described in AS 11.46.800 - 11.46.810.

18 (b) An offense against a computer user is a class A misdemeanor.

19 Sec. 11.46.830. DEFINITIONS CONCERNING COMPUTER CRIME. In AS 11.-
20 46.800 - 11.46.830

21 (1) "computer" means an electronic device which performs
22 logical, arithmetic, and memory functions using electronic or magnetic
23 impulses, and includes all input, output, processing, storage, computer
24 software, and communication facilities which are connected or related
25 to the computer in a computer system or computer network;

26 (2) "computer network" means a set of related, remotely
27 connected electronic devices and communication facilities, including
28 more than one computer system, with capability to transmit data among
29 them through communication facilities;



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(3) "computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data;

(4) "computer software" means a set of computer programs, procedures, and associated documentation concerned with the operation of a computer system;

(5) "computer system" means a set of related, connected or unconnected, computer equipment, devices, or computer software;

(6) "data" means a representation of information, knowledge, facts, concepts, or instructions prepared in a formalized manner intended to be processed, is being processed, or has been processed in a computer system or computer network, in any form, including computer printouts, magnetic storage media, punched cards, or stored internally in the memory of the computer;

(7) "intellectual property" means data, including computer programs;

(8) "public service" includes telecommunications, transportation, water, electrical, gas, or other public utility service.