



LAWS OF ALASKA

2000

Source

HCS CSSB 259(JUD)

Chapter No.

65

AN ACT

Relating to crimes and offenses relating to aural representations, recordings, access devices, identification documents, impersonation, false reports, and computers; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 22, 2000

Actual Effective Date: May 23, 2000

AN ACT

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

4

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;

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- 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.

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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:

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

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

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

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

18 (4) obtains proprietary information of another person;

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

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

24 (7) encrypts or decrypts data.

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

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

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

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

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

4 (B) creditworthiness in a credit report.

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

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

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

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

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:

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

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

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