

# Computer Crime

Policy Number: 630

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## 609.87 Computer Crime; Definitions.

Subdivision 1. Applicability. For purposes of sections 609.87 to 609.89 the terms defined in this section have the meanings given them.

Subd. 2. Access. "Access" means to instruct, communicate with, store data in, or retrieve data from a computer, computer system, or computer network.

Subd. 3. Computer. "Computer" means an electronic device, which performs logical, arithmetic and memory functions by the manipulations of signals, including but not limited to electronic or magnetic impulses.

Subd. 4. Computer system. "Computer system" means related, connected or unconnected, computers and peripheral equipment.

Subd. 5. Computer network. "Computer network" means the interconnection of a communications system with a computer through a remote terminal, or with two or more interconnected computers or computer systems.

Subd. 6. Property. "Property" includes, but is not limited to, electronically processed or produced data and information contained in a computer or computer software in either machine or human readable form.

Subd. 7. Services. "Services" includes but is not limited to, computer time, data processing, and storage functions.

Subd. 8. Computer program. "Computer program" means an instruction or statement or a series of instructions or statements, in a form acceptable to a computer, which directs the functioning of a computer system in a manner designed to provide appropriate products from the computer.

Subd. 9. Computer software. "Computer software" means a computer program or procedures, or associated documentation concerned with the operation of a computer.

Subd. 10. Loss. "Loss" means the greatest of the following: (a) the retail market value of the property or services involved; (b) the reasonable repair or replacement cost, whichever is less; or (c) the reasonable value of the damage created by the unavailability or lack of utility of the property or services involved until repair or replacement can be effected.

History: 1982 c 534 s 1

## 609.88 Computer Damage.

Subdivision 1. Acts. Whoever does any of the following is guilty of computer damage and may be sentenced as provided in subdivision 2: (a) intentionally and without authorization damages or destroys any computer, computer system, computer network, computer software, or any other property specifically defined in section 609.87, subdivision 6; or (b) Intentionally and without authorization and with intent to injure or defraud, alters any computer, computer system, computer network, computer software, or any other property specifically defined in section 609.87, subdivision 6.

Subd. 2. Penalty. Whoever commits computer damage may be sentenced as follows: (a) to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both, if the damage, destruction or alteration results in a loss in excess of \$2,500, to the owner, or the owner's agent, or lessee; (b) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the damage, destruction or alteration results in a loss of more than \$500, but not more than \$2,500 to the owner, or the owner's agent or lessee; or

(c) in all other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

History: 1982 c 534 s 2; 1984 c 628 art 3 s 11; 1986 c 444

609.89 Computer Theft.

Subdivision 1. Acts. Whoever does any of the following is guilty of computer theft and may be sentenced as provided in subdivision 2: (a) intentionally and without authorization or claim of right accesses or causes to be accessed any computer, computer system, computer network or any part thereof for the purpose of obtaining services or property; or (b) intentionally and without claim of right, and with intent to permanently deprive the owner of possession, takes, transfers, conceals or retains possession of any computer, computer system, or any computer software or data contained in a computer, computer system, or computer network.

Subd. 2. Penalty. Anyone who commits computer theft may be sentenced as follows: (a) to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both, if the loss to the owner, or the owner's agent, or the lessee is in excess of \$2,500; or (b) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the loss to the owner, or the owner's agent, or lessee is more than \$500 but not more than \$2,500; or (c) in all other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

History: 1982 c 534 s 3; 1984 c 628 art 3 s 11; 1986 c 444