

CHAPTER 1249
COMPUTER CRIMES

S.F. 2247

AN ACT relating to the crimes of unauthorized access, computer damage, and computer theft and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 716A.1 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

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

2. "Computer" means an electronic device which performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities which are connected or related to the computer in a computer system or computer network.

3. "Computer system" means related, connected or unconnected, computers or peripheral equipment.

4. "Computer network" means a set of related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.

5. "Computer program" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.

6. "Computer software" means a set of computer programs, procedures, or associated documentation used in the operation of a computer.

7. "Data" means a representation of information, knowledge, facts, concepts or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed in a computer. Data may be in any form including, but not limited to, printouts, magnetic storage media, punched cards and as stored in the memory of a computer.

8. "Property" means anything of value as defined in section 702.14, including but not limited to computers and computer data, information, software, and programs.

9. "Services" means the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage functions.

10. "Loss of property" means the greatest of the following:

a. The retail value of the property involved.

b. The reasonable replacement or repair cost, whichever is less.

11. "Loss of services" means 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.

Sec. 2. NEW SECTION. 716A.2 UNAUTHORIZED ACCESS. A person who knowingly and without authorization accesses a computer, computer system, or computer network commits a simple misdemeanor.

Sec. 3. **NEW SECTION. 716A.3 COMPUTER DAMAGE DEFINED.** A person commits computer damage when the person knowingly and without authorization damages or destroys a computer, computer system, computer network, computer software, computer program, or any other property as defined in section 716A.1, subsection 8, or knowingly and without authorization and with the intent to injure or defraud alters any computer, computer system, computer network, computer software, computer program, or any other property as defined in section 716A.1, subsection 8.

Sec. 4. **NEW SECTION. 716A.4 COMPUTER DAMAGE IN THE FIRST DEGREE.** Computer damage is computer damage in the first degree when the damage results in a loss of property or services of more than five thousand dollars. Computer damage in the first degree is a class "C" felony.

Sec. 5. **NEW SECTION. 716A.5 COMPUTER DAMAGE IN THE SECOND DEGREE.** Computer damage is computer damage in the second degree when the damage results in a loss of property or services of more than five hundred dollars but not more than five thousand dollars. Computer damage in the second degree is a class "D" felony.

Sec. 6. **NEW SECTION. 716A.6 COMPUTER DAMAGE IN THE THIRD DEGREE.** Computer damage is computer damage in the third degree when the damage results in a loss of property or services of more than one hundred dollars but not more than five hundred dollars. Computer damage in the third degree is an aggravated misdemeanor.

Sec. 7. **NEW SECTION. 716A.7 COMPUTER DAMAGE IN THE FOURTH DEGREE.** Computer damage is computer damage in the fourth degree when the damage results in a loss of property or services of more than fifty dollars but not more than one hundred dollars. Computer damage in the fourth degree is a serious misdemeanor.

Sec. 8. **NEW SECTION. 716A.8 COMPUTER DAMAGE IN THE FIFTH DEGREE.** Computer damage is computer damage in the fifth degree when the damage results in a loss of property or services of not more than fifty dollars. Computer damage in the fifth degree is a simple misdemeanor.

Sec. 9. **NEW SECTION. 716A.9 COMPUTER THEFT DEFINED.** A person commits computer theft when the person knowingly and without authorization accesses or causes to be accessed a computer, computer system, or computer network, or any part thereof, for the purpose of obtaining services, information or property or knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals or retains possession of a computer, computer system, or computer network or any computer software or program, or data contained in a computer, computer system, or computer network.

Sec. 10. **NEW SECTION. 716A.10 COMPUTER THEFT IN THE FIRST DEGREE.** Computer theft is computer theft in the first degree when the theft involves or results in a loss of services or property of more than five thousand dollars. Computer theft in the first degree is a class "C" felony.

Sec. 11. **NEW SECTION. 716A.11 COMPUTER THEFT IN THE SECOND DEGREE.** Computer theft is computer theft in the second degree when the theft involves or results in a loss of services or property of more than five hundred dollars but not more than five thousand dollars. Computer theft in the second degree is a class "D" felony.

Sec. 12. **NEW SECTION. 716A.12 COMPUTER THEFT IN THE THIRD DEGREE.** Computer theft is computer theft in the third degree when the theft involves or results in a loss of services or property of more than one hundred dollars but not more than five hundred dollars. Computer theft in the third degree is an aggravated misdemeanor.

Sec. 13. NEW SECTION. 716A.13 COMPUTER THEFT IN THE FOURTH DEGREE. Computer theft is computer theft in the fourth degree when the theft involves or results in a loss of services or property of more than fifty dollars but not more than one hundred dollars. Computer theft in the fourth degree is a serious misdemeanor.

Sec. 14. NEW SECTION. 716A.14 COMPUTER THEFT IN THE FIFTH DEGREE. Computer theft is computer theft in the fifth degree when the theft involves or results in a loss of services or property of not more than fifty dollars. Computer theft in the fifth degree is a simple misdemeanor.

Sec. 15. NEW SECTION. 716A.15 CHAPTER NOT EXCLUSIVE. This chapter does not preclude the applicability of any other provision of the law of this state which is not inconsistent with this chapter and which applies or may apply to an act or transaction in violation of this chapter.

Sec. 16. NEW SECTION. 716A.16 PRINTOUTS ADMISSIBLE AS EVIDENCE. In a prosecution under this chapter, computer printouts shall be admitted as evidence of any computer software, program, or data contained in or taken from a computer, notwithstanding an applicable rule of evidence to the contrary.

Approved May 10, 1984

CHAPTER 1250

PRISONER OF WAR LICENSE PLATES

S.F. 347

AN ACT providing for the issuance of special registration plates to former prisoners of war which contain the letters "POW" followed by three numerals at the regular registration fee.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.34, subsection 8, Code Supplement 1983, is amended to read as follows:

8. **PRISONER OF WAR PLATES.** The owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who was a prisoner of war during the second world war at any time between December 7, 1941 and December 31, 1946, the Korean conflict at any time between June 25, 1950 and January 31, 1955 or the Vietnam conflict at any time between August 5, 1964 and June 30, 1973, all dates inclusive, may upon written application to the department, order special registration plates designed by the department in co-operation with the adjutant general which plates signify that the applicant was a prisoner of war as defined in this subsection. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The application shall be approved is subject to approval by the