

See Judiciary 3/12

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Schroeder.

Amend for 58078 Do Pass 3/23
(p. 1248)

FILED FILE

SENATE FILE 2247

BY COMMITTEE ON JUDICIARY
Approved 2/29 (p. 584)
(FORMERLY SSB 2134)

Passed Senate, Date 3-7-84 (p. 708) Passed House, Date 3-29-84 (p. 1480)

Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0

Approved May 10, 1984

Repassed Senate 4-3-84 (p. 1266)
46-0

A BILL FOR

1 An Act relating to the crimes of unauthorized access, computer
2 damage, and computer theft and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2247

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H-5807

6

1 Amend Senate File 2247 as passed by the Senate
2 as follows:

7

3 1. Page 4, by inserting after line 20, the
4 following:

8

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

11

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

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H-5807 FILED MARCH 23, 1984
Adopted 3/29 (p. 1479)

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HOUSE AMENDMENT TO SENATE FILE 2247

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S-5723

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1 Amend Senate File 2247 as passed by the Senate
2 as follows:

20

3 1. Page 4, by inserting after line 20, the
4 following:

21

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

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12 ADMISSIBLE AS EVIDENCE. In a prosecution under this
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14 evidence of any computer software, program, or data
15 contained in or taken from a computer, notwithstanding
16 an applicable rule of evidence to the contrary."

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S-5723 FILED RECEIVED FROM THE HOUSE
APRIL 2, 1984 Senate concurred 4/3 (p. 1266)
11

S-2247

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

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

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

12 3. "Computer system" means related, connected or uncon-
13 nected, computers or peripheral equipment.

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

18 5. "Computer program" means an ordered set of instruc-
19 tions or statements that, when executed by a computer, causes
20 the computer to process data.

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

24 7. "Data" means a representation of information, know-
25 ledge, facts, concepts or instructions that has been prepared
26 or is being prepared in a formalized manner and has been pro-
27 cessed, or is intended to be processed in a computer. Data
28 may be in any form including, but not limited to, printouts,
29 magnetic storage media, punched cards and as stored in the
30 memory of a computer.

31 8. "Property" means anything of value as defined in section
32 702.14, including but not limited to computers and computer
33 data, information, software, and programs.

34 9. "Services" means the use of a computer, computer sys-
35 tem, or computer network and includes, but is not limited

1 to, computer time, data processing, and storage functions.

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

3 a. The retail value of the property involved.

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

6 11. "Loss of services" means the reasonable value of the
7 damage created by the unavailability or lack of utility of
8 the property or services involved until repair or replacement
9 can be effected.

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

14 Sec. 3. NEW SECTION. 716A.3 COMPUTER DAMAGE DEFINED.
15 A person commits computer damage when the person knowingly
16 and without authorization damages or destroys a computer,
17 computer system, computer network, computer software, computer
18 program, or any other property as defined in section 716A.1,
19 subsection 8, or knowingly and without authorization and with
20 the intent to injure or defraud alters any computer, computer
21 system, computer network, computer software, computer program,
22 or any other property as defined in section 716A.1, subsection
23 8.

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

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

35 Sec. 6. NEW SECTION. 716A.6 COMPUTER DAMAGE IN THE THIRD

1 DEGREE. Computer damage is computer damage in the third
2 degree when the damage results in a loss of property or
3 services of more than one hundred dollars but not more than
4 five hundred dollars. Computer damage in the third degree
5 is an aggravated misdemeanor.

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

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

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

28 Sec. 10. NEW SECTION. 716A.10 COMPUTER THEFT IN THE
29 FIRST DEGREE. Computer theft is computer theft in the first
30 degree when the theft involves or results in a loss of ser-
31 vices or property of more than five thousand dollars. Com-
32 puter theft in the first degree is a class "C" felony.

33 Sec. 11. NEW SECTION. 716A.11 COMPUTER THEFT IN THE
34 SECOND DEGREE. Computer theft is computer theft in the second
35 degree when the theft involves or results in a loss of services

1 or property of more than five hundred dollars but not more
2 than five thousand dollars. Computer theft in the second
3 degree is a class "D" felony.

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

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

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

21 EXPLANATION

22 This bill relates to computer crime generally as follows:

23 Section 1 provides for the definition of the terms access,
24 computer, computer system, computer network, computer program,
25 computer software, data, property, services, loss of property,
26 and loss of services as used in the new chapter created by
27 this bill.

28 Section 2 provides for the crime of unauthorized access
29 and sets the penalty of a simple misdemeanor.

30 Section 3 provides for the definition of the crime of
31 computer damage.

32 Sections 4 through 8 set the penalties for computer damage
33 in the first, second, third, fourth, and fifth degrees.

34 Section 9 provides for the definition of the crime of
35 computer theft.

1 Sections 10 through 14 set the penalties for computer theft
2 in the first, second, third, fourth, and fifth degrees.

3 The bill creates a new chapter 716A and includes internal
4 references to some of the new sections.

5 This bill takes effect July 1 following its enactment.

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SENATE FILE 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:

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

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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:

- The retail value of the property involved.
- 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.

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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.

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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.

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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.

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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.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2247, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 10, 1984

TERRY E. BRANSTAD
Governor