

LEGISLATIVE BILL 371

Approved by the Governor March 7, 1985

Introduced by Beutler, 28

AN ACT relating to crimes and penalties; to amend section 28-101, Revised Statutes Supplement, 1984; to define terms; to prohibit certain actions relating to computers as prescribed; to provide penalties; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-101, Revised Statutes Supplement, 1984, be amended to read as follows:

28-101. Sections 28-101 to 28-1335 and sections 2 to 7 of this act shall be known as the Nebraska Criminal Code.

Sec. 2. For purposes of sections 2 to 7 of this act, unless the context otherwise requires:

(1) Access shall mean to instruct, communicate with, store data in, retrieve data from, or otherwise use the resources of a computer or computer network;

(2) Computer shall mean a high-speed data processing device or system which performs logical, arithmetic, data storage and retrieval, communication, or control functions and includes any input, output, data storage, processing, or communication facilities directly related to or operating in conjunction with any such device or system;

(3) Computer network shall mean the interconnection of communication links with a computer or an interconnection of computers which communicate with each other;

(4) Computer program shall mean a set of instructions, statements, or related data that directs or is intended to direct the computer to perform certain specified functions;

(5) Data shall mean a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network;

(6) Property shall mean any tangible or intangible thing of value and shall include, but not be limited to, financial instruments, data, computer programs, information, computer-produced or stored data, supporting documentation, or data in transit, whether in human or computer readable form; and

(7) Services shall mean use of a computer or computer network including, but not limited to, data

processing and storage functions, computer programs, or data.

Sec. 3. Any person who intentionally accesses or causes to be accessed, directly or indirectly, any computer or computer network without authorization or who, having accessed any computer or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of a Class IV felony if he or she intentionally: (1) Deprives another of property or services; or (2) obtains property or services of another, except that any person who obtains property or services or deprives another of property or services with a value of one thousand dollars or more by such conduct shall be guilty of a Class III felony.

Sec. 4. Any person who accesses or causes to be accessed any computer or computer network without authorization or who, having accessed any computer or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of a Class IV felony if he or she intentionally: (1) Alters, damages, deletes, or destroys any computer, computer network, computer program, data, or other property; or (2) disrupts the operation of any computer or computer network, except that any person who causes losses with a value of one thousand dollars or more by such conduct shall be guilty of a Class III felony.

Sec. 5. Any person who intentionally accesses or causes to be accessed any computer or computer network without authorization, or who, having accessed with authorization, knowingly and intentionally exceeds the limits of such authorization, and thereby obtains information filed by the public with the state or any political subdivision which is by statute required to be kept confidential shall be guilty of a Class II misdemeanor. For any second or subsequent offense under this section, such person shall be guilty of a Class I misdemeanor.

Sec. 6. Any person who intentionally accesses any computer, computer program, or data without authorization and with knowledge that such access was not authorized or who, having accessed any computer or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of a Class V misdemeanor. For any second or subsequent offense under this section, such person shall be guilty of a Class II misdemeanor.

Sec. 7. Sections 2 to 7 of this act shall not be construed to preclude the applicability of any other provision of Chapter 28 which may apply to any transaction described in such sections.

Sec. 8. That original section 28-101, Revised Statutes Supplement, 1984, is repealed.