

HOUSE BILL NO. 1251

Introduced by

Representatives Delmore, Hawken, Kretschmar, Onstad

Senators Traynor, Trenbeath

1 A BILL for an Act to amend and reenact section 12.1-06.1-08 of the North Dakota Century
2 Code, relating to computer crimes; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-06.1-08 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **12.1-06.1-08. Computer fraud - Computer crime - Classification - Penalty.**

7 1. A person commits computer fraud by gaining or attempting to gain access to,
8 altering, damaging, modifying, copying, disclosing, taking possession of, or
9 destroying any computer, computer system, computer network, or any part of ~~such~~
10 the computer, system, or network, without authorization, and with the intent to
11 devise or execute any scheme or artifice to defraud, deceive, prevent the
12 authorized use of, or control property or services by means of false or fraudulent
13 pretenses, representations, or promises. A person who commits computer fraud is
14 guilty of a class C felony.

15 2. A person commits computer crime by intentionally and either in excess of
16 authorization given or without authorization gaining or attempting to gain access to,
17 altering, damaging, modifying, copying, disclosing, taking possession of,
18 introducing a computer contaminant into, destroying, or preventing the authorized
19 use of any computer, computer system, or computer network, or any computer
20 software, program, or data contained in ~~such~~ the computer, computer system, or
21 computer network. A person who commits computer crime is guilty of a class A
22 misdemeanor.

23 3. In addition to any other remedy available, the owner or lessee of a computer,
24 computer system, computer network, or any part of the computer, computer

- 1 system, or computer network may bring a civil action against a person convicted
- 2 under this section for compensatory damages, restitution, and attorney's fees for
- 3 damages incurred as a result of the violation of this section.